

## BILL.

An Act for removing doubts as to the legal effect of the Act of the Legislature of Lower Canada, passed in the ninth year of the Reign of His late Majesty, King George the Fourth, and intituled, *An Act for rendering valid conveyances of Lands and other immoveable property held in free and common soccage within the Province of Lower Canada, and for other purposes therein mentioned:*—

*and for the greater uniformity of the Law of relation to Real property in Lower Canada.*

WHEREAS the act passed by the legislative council and assembly of the late Province of Lower Canada, in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, *An act for rendering valid conveyances of Lands and other immoveable property held in free and common soccage within the Province of Lower Canada, and for other purposes therein mentioned,* was presented for the Royal assent on the fourteenth day of March, in the year of our Lord one thousand eight hundred and twenty nine, and was then reserved by the Administrator of the Government of the said Province for the signification of His Majesty's pleasure thereon; And whereas the said act was assented to by His late Majesty, King William the Fourth, on the eleventh day of May in the year of our Lord one thousand eight hundred and thirty one, and the Royal assent thereto was signified by proclamation in the said Province, on the first day of September in the year last aforesaid, so that more than two years had elapsed between the presentation of the said act for the Royal assent and the signification of the Royal assent as aforesaid; and whereas by the act passed in the parliament of Great Britain in the thirty first year of the reign of His late Majesty, King George the Third, and intituled, *An act to repeal certain parts of an act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province,* it was among other things in effect enacted, that no bill passed by the said legislative council and assembly of the said province of Lower Canada, and reserved for the signification of the Royal pleasure thereon, should have any force or effect within the said Province, unless the Royal assent thereto should be signified within the said Province, within two years from the day on which such bill should have been presented for the Royal assent; and whereas it hath been doubted whether the act passed by the parliament of the United Kingdom of Great Britain and Ireland in the first year of the Reign of His late Majesty, King William the Fourth, and intituled, *An act to explain and amend the laws relating to lands holden in free and common soccage in the Province of Lower Canada,* while it removed all doubts as to the power of the legislature of the said Province to pass an act containing provisions of the nature of those contained in the provincial act hereinfirst above cited, removed also the doubts arising from the lapse of time between the reservation of the said Act and the signification of the Royal assent as aforesaid, and it is therefore expedient to confirm the said provincial act, and to declare the same to have been in force from the time of the signification of the Royal assent thereto: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the legislative council and of the legislative assembly of the Province of Canada, constituted and assembled by

*\* which hath been generally believed to be in force,*

*and also to remedy an omission in the said act, and to make such amendments in the said law relative to real property in Lower Canada,*



virtue and under the authority of an act passed in the parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the said act of the legislature of Lower Canada, passed in ninth year of the reign of His late Majesty, King George the Fourth and intituled, *An act for rendering valid conveyances of Lands and other immoveable property held in free and common soccage within the Province of Lower Canada, and for other purposes therein mentioned*, shall be and is hereby confirmed and declared to be in force within that part of this Province which formerly constituted the said Province of Lower Canada, and shall be deemed to have been in force therein as law, since the first day of September in the year of our Lord one thousand eight hundred and thirty one, being the day on which the Royal assent to the said provincial act was so signified by proclamation as aforesaid, and which

*shall be held to be the day of the passing thereof.*

*Hereinafter  
called Lower  
Canada)*



2. and be it enacted, that when any proprietor of land or immovable property granted or held in free and common socage in Lower Canada, shall have died since the passing of the Provincial Act herein before cited and confirmed, and either before or after the passing of this Act, without having partitioned the same, either by last will or testament or otherwise, the heirs of such proprietor shall be held to partition such land, according to the old laws of Lower Canada; unless the said heirs should or shall have agreed among themselves on a different partition: Provided always, that nothing in this section shall be construed to invalidate any right acquired by prescription, or acquired before the passing of this Act by any heir or other party under the judgment of any competent Court, or acquired bona fide, and before the passing of this Act, by any third party ~~from~~ from or through any heir from or through whom without this section such right could have been validly acquired, saving however, in the case last mentioned, the recourse of the other heirs against such heir.

X  
or immovable  
property

X  
for a valuable  
consideration

3. And be it declared and enacted, that except in so far as it is otherwise expressly provided by the said Act or by this Act or by some other Act in force in Lower Canada, the rights of all parties in, to or respecting, or arising out of or affecting, lands or immovable property held in free and common socage in that part of



of this Province, and all matters and incidents relation to such lands or property, are and shall be governed by the same laws and rules as if such lands or property were held in ~~fee simple~~ fee simple ~~in~~ tenure, and shall be deemed to have been ~~heretofore~~ <sup>at any time heretofore</sup> so governed, except in so far as it may have been ~~expressly~~ <sup>expressly</sup> provided by some Act <sup>or law</sup> in force at ~~the~~ <sup>such</sup> time in Lower Canada.

Both.

An Act in  
(as in title.)

Incumbent Lands

J. B. B. B.

of the Province