

An Act to amend the third section of the eighty-eighth chapter of the Consolidated Statutes of Upper Canada.

W HEREAS it is expedient to amend the third section of the eighty-eighth chapter of the Consolidated Statutes for Upper Canada, intituled, *An Act respecting the limitation of Actions and Suits relating to real property, and the time of prescription in certain cases*:—Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Preamble.
Consolidated Statutes U. C. Chapter 88.

1. The third section of the said eighty-eighth chapter of the Consolidated Statutes for Upper Canada shall be so amended as to read as follows:—

Section three amended.

3. In the case of lands granted by the Crown of which the grantee, his heirs or assigns, by themselves, their servants or agents, have not taken actual possession by residing upon or cultivating some portion thereof, and in case some other person not claiming to hold under such grantee has been in possession of such land, such possession having been taken while the land was in a state of nature, then unless it can be shewn that such grantee or such person claiming under him while entitled to the lands had knowledge of the same being in the actual possession of such other person, the lapse of twenty years shall not bar the right of such grantee or any person claiming under him to bring an action for the recovery of such land, but the right to bring such action shall be deemed to have accrued from the time that such knowledge was obtained:—

As to lands not cultivated or improved.

2. This Act shall take effect from the _____ day of _____ 1865 in the year of Our Lord 1865 .

Commencement of Act.

“ Provided always, that no such action shall be brought or entry made after forty years from the time such possession was taken as aforesaid.”

Proviso.

3. Provided always, that nothing herein contained shall be construed to affect any Suit or Action actually pending at the time of the passing of this Act.

Pending Suits excepted.

4. This Act shall apply to Upper Canada only.

Act limited to U. C.