

Proviso.

registered, or unregistered ; but all assignments to be registered must be unconditional ; and all the conditions of the sale, grant or location must have been complied with, or dispensed with by the Commissioner of Crown Lands, before such registration is made :

On what proof assignment may be registered when witness dead or absent.

2. If any subscribing witness to any such assignment is deceased, or has left the Province, the said Commissioner may register such assignment upon the production of an affidavit proving the death or absence of such witness and his handwriting, or the handwriting of the party making such assignment.

Commissioner may receive proof in support of claim for patent by heir, &c., of deceased nominee.

Power to apply to Heir and Devisee Commissioners reserved.

19. On any application for a Patent by the heir, assignee or devisee of the original nominee of the Crown, the Commissioner of Crown Lands may receive proof in such manner as he may direct and require in support of any claim for a Patent when the original nominee is dead, and upon being satisfied that the claim has been equitably and justly established, may allow the same and cause a patent to issue accordingly ; But nothing in this section shall limit the right of the party claiming a Patent to make his application at any time to the Commissioners under the *Act respecting claims to Lands in Upper Canada for which no Patents have issued.*

FORFEITURE OF CLAIMS, AND ENFORCEMENT OF FORFEITURE.

Sale, &c., of land, may be cancelled in case of fraud or error.—All such cancellations heretofore made to continue.

20. If the Commissioner of Crown Lands is satisfied that any purchaser, grantee or locatee or lessee of any Public Land, or any assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated any of the conditions of sale, grant, location or lease, or of the License of Occupation, or if any such sale, grant, location or lease or License of Occupation has been or is made or issued in error or mistake, he may cancel such sale, grant, location, lease or license, and resume the land therein mentioned, and dispose of it as if no sale, grant, location or lease thereof had ever been made ; and all such cancellations, heretofore made by the Governor in Council or the Commissioner of Crown Lands, shall continue until altered.

Mode of obtaining possession, if settler refuses to deliver up land on revocation of license, &c.

21. When any purchaser, lessee or other person refuses or neglects to deliver up possession of any land after revocation or cancellation of the sale, grant, location, lease or License of Occupation thereof as aforesaid, or when any person is wrongfully in possession of public land and refuses to vacate or abandon possession of the same, the Commissioner of Crown Lands may apply to the County Judge of the County, or to a Judge of the Superior Court in the Circuit, in which the land lies, for an Order in the nature of a Writ of *Habere facias possessionem*, or writ of possession, and the said Judge, upon proof to his satisfaction that the right or title of the party to hold such land has been