

[1854.

BILL.

No. 23.

An Act to improve the law relating to Betterment.

WHEREAS it has ever been the design of Her Majesty's Government Preamble.
 in this Province to encourage the actual settlement of the unoccupied lands therein; And whereas in many portions of Lower Canada; the persons to whom lands have been granted in free and common soccage have failed to comply with the stipulations contained in the Letters Patent securing to them such lands, by actually entering upon the occupation thereof, or by causing them to be occupied and cultivated; And whereas from divers causes large tracts of land in the Townships of Lower Canada have become the property of absentee proprietors; And whereas divers persons have entered upon such lands with the *bond fide* intention of purchasing the same as soon as a title thereto could be obtained, and in a course of years have reduced them from a state of nature to a high state of cultivation; And whereas through the imperfection of the existing law relating to such cases, the proprietors of such lands are enabled to eject such persons without rendering to them just compensation for the ameliorations which they have made, and are thereby permitted to profit unjustly by the labor of others, and it is therefore expedient to define more accurately and to declare the rights of such persons to compensation for ameliorations so made by them, and to provide means of securing the same to them; Be it therefore enacted, &c., that—

I. Any person who at the time of the passing of this Act shall be and shall have been for a period of more than five years in the possession of any lot, tract or portion of a lot of land without any title conveying the right of property therein to him, with the *bond fide* intention of acquiring the same by purchase, (which said intention shall be determined by evidence that such person has cleared, tilled and cultivated such land in a husband-like manner without committing waste thereon,) shall be entitled to compensation for such ameliorations as he may have made in and upon such lot, tract or portion of a lot of land, to be estimated by Experts, according to the actual enhancement in value of such lands, by reason of the ameliorations so made; and the rents, issues and profits of such land during the time it may have been occupied, shall be estimated by such Experts, not according to the actual revenue to be derived from such land by reason of the augmentation in value thereof, in consequence of the improvements thus made thereon, but by a just estimate of the rents, issues and profits that would have accrued to the proprietors thereof, if such lands had never been improved and ameliorated.

Persons having been in possession five years with intent to purchase entitled to remuneration for their betterments; how such remuneration shall be executed.

II. No person who shall be and shall have been in the possession of any lot, tract, or portion of a lot of land in the manner and during the period stated in the preceding section of this Act, with the intention of purchasing the same as above stated, shall be dispossessed thereof by the proprietor or proprietors of such land, unless and until such proprietor or proprietors shall pay or offer to pay to him a just compensation for the ameliorations made by him in and upon such land; and whenever any proprietor

Persons in possession as aforesaid not to be dispossessed until the remuneration for betterments is paid to them.