

shall be deceased, or shall have left the province, it shall and may be lawful for the said Commissioner to register any such assignment upon the production of an affidavit or affidavits proving the death or absence of such witness or witnesses, and proving also the handwriting of such witness or witnesses.

VIII. The duties imposed upon the Commissioner of Crown Lands by the preceding section of this Act, for the registration of assignments of located claims, shall be held to extend to the registration of assignments of claims heretofore located or located hereafter; and all assignments of such locations in Lower Canada executed before notaries, or before one notary and two witnesses, shall be deemed sufficient, and shall be registered accordingly: Provided always, that all such assignments shall be unconditional; provided also, that all Commissioners for taking affidavits in the superior courts of law either in Upper or Lower Canada, shall have the same power and authority for administering oath in matters relating to the crown, clergy, and school lands, as are now exercised by justices of the peace.

IX. Notwithstanding anything in this Act contained, it shall and may be lawful for the Governor of this province, with the advice of the Executive Council, to appropriate as free grants any public lands in this province to actual settlers, upon or in the vicinity of any public roads in any new settlements which shall or may be opened through the lands of the Crown, under such regulations respecting such settlements as shall from time to time be made and declared by the Governor of this province in Council: Provided always, that no free grant shall exceed one hundred acres.

X. It shall be lawful for the Governor, by and with the advice of the Executive Council, to set apart and appropriate such of the said public lands as shall be deemed expedient to be so set apart and appropriated for the site of market places, gaols, court houses, places of public worship, burying grounds, schools, and for other like public purposes, and at any time before the issue of letters patent therefor, to revoke such appropriation and setting apart as may seem expedient, and to make free grants for the purposes aforesaid, the trusts and uses for which the grants shall be made being expressed in the letters patent granting the lands therein specified: Provided always, that no such grant for any such purpose shall be for a greater quantity of land than ten acres for every one of the purposes aforesaid, in any one instance in which, or for any one occasion for which land shall be granted as aforesaid.

XI. It shall be lawful for the Governor in Council, if he shall be satisfied that any such settler, or his recognized assignee, has been guilty of fraud, or has violated any of the terms or conditions of his licence of occupation, to revoke such licence, and resume the land therein mentioned and dispose of the said land, as if such licence had never been issued; and no claim in equity by any settler, or the assignee of any settler shall be pleadable in any court against a forfeiture and revocation under this Act, but the settler shall be deemed and taken to be as against the Governor in Council, or Commissioner of Crown Lands, or any person claiming under the said Commissioner a mere tenant-at-will.

XII. When any settler or other person shall refuse or neglect to deliver up possession of any land after the revocation by the Governor in Council of the licence of occupation as aforesaid, it shall be lawful for the Commissioner of Crown Lands to make or cause to be made an application to the county judge of the county, or to a circuit judge in the circuit in which the land lies, for an order in the form of a writ of ejection or of *habere facias possessionem*, and the said judge upon proof to his satisfaction that the land in respect of which the application is made was held under a licence of occupation, and that such licence has been revoked by the Governor in Council, shall and may grant an order upon the settler or persons in possession, to deliver up the same to the commissioner of crown lands, or his agent, and such order shall have the same force and effect as a writ of *habere facias possessionem*, and the sheriff shall and may receive such order and execute the same in like manner as he would receive and execute the said writ in an action of ejection or petitory action.

XIII. In all cases where claims to locations of land have been forfeited under any order in Council or which may hereafter be declared forfeited by order in Council, it shall and may be lawful for the Crown to resume such land under this Act, in manner and form aforesaid; and such land, when so resumed, shall be subject to the provisions of this Act, and be disposed of accordingly: Provided always, that the Governor in Council may, upon the special merits of any case extend a right of pre-emption to the original locatee, his heirs or assignees, upon such terms and for such price as to him may seem just under the circumstances of the case, or when such forfeiture shall be discovered to have been on an erroneous report, then it shall be lawful to re-grant such lot to the original locatee, his heirs or assigns.

XIV. It shall be lawful for the Governor in Council to reserve out of the proceeds of the school lands in any county, a sum not exceeding one-fourth of such proceeds, as a fund for public improvements within the county, to be expended under the direction of the Governor in Council, and also to reserve out of the proceeds of unappropriated Crown lands in any county a sum not exceeding one-fifth, as a fund for public improvements within the county, to be also expended under the direction of the Governor in Council: Provided always, that the particulars of all such sums, and the expenditure thereof, shall be laid before Parliament within the first ten days of each session; provided always, that not exceeding six per cent. on the amount collected, including surveys, shall be