

the descent of timber or saw logs, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier, or boom, or other work, is intended to be thereby sold or granted:

(2.) The free use of slides, dams, piers, or boom, or other work on streams, to facilitate the descent of lumber and saw logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed by, or in virtue of, any sale or grant of Dominion lands made subsequent to the construction of such works.

67. The free use, for the floating of saw logs or other timber, of all streams and lakes that may be necessary for the descent thereof from Dominion lands, and the right of access to such streams and lakes, and of passing and re-passing on or along the land on either side, and wherever necessary for such use thereof, and over all existing or necessary portage roads, past any rapids or falls, or connecting such streams or lakes, and over such roads, as owing to natural obstacles, may be necessary for taking out timber from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected, or obstructed by, or in virtue of any sale or grant of such lands.

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68. A Deputy Governor may be appointed by the Governor General, who shall have the power, in the absence of, or under the instructions of the Governor General, to sign letters patent of Dominion lands; and the signature of such Deputy Governor to such patents, shall have the same force of virtue as if such patent were signed by the Governor General:

(2.) Every patent for land shall be prepared in the Department of the Interior, and shall be signed by the Minister of the Interior or his Deputy, or by some other person thereunto specially authorized by order of the Governor General in Council, and when so signed shall be registered by an officer specially appointed for that purpose by the Registrar General, and then transmitted to the Secretary of State of Canada, by whom or by the Under-Secretary of State the same shall be countersigned, and the great seal of Canada thereto caused to be affixed: Provided that every patent for land shall be signed by the Governor or Deputy Governor, as hereinbefore provided.

69. Whenever, through error in survey or in the books or plans of a Dominion lands office, any grant of land is found to be deficient, the Minister of the Interior may order a free grant equal in value, at the time such land was granted or sold, to the ascertained deficiency; or he may order the purchase money of so much land as is deficient, with interest thereon at the rate of six per centum per annum, from the time of the purchase thereof, to be paid back to the purchaser; but no claim respecting any such deficiency shall be entertained, unless it be made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described in the patent

as being contained in the lot or parcel of land granted.

70. Whenever a patent has been issued to, or in the name of a wrong party, or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister of the Interior may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead—which correct patent shall relate back to the date of the one so cancelled, and have the same effect as if issued at the date of such cancelled patent.

71. In all cases in which, through error, grants or letters patent have issued for the same land, inconsistent with each other, and in all cases of sales or appropriations of the same land inconsistent with each other, the Minister of the Interior may order a new grant to the person thereby deprived, of land of value equal to that of the original grant, at the time the same was granted, or may, in case of sale, cause repayment to be made of the purchase money with interest, or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Minister of the Interior may assign land, or grant such amount of scrip for the purchase of Dominion lands as to him may seem just and equitable under the circumstances; but no claim under this clause shall be entertained, unless it is preferred within one year after the discovery of the error.

72. In all cases wherein patents, leases or other instruments respecting lands have issued through fraud, or in error or improvidence, any court having competent jurisdiction in cases respecting real property in the Province or place where such lands are situate, may, upon action, bill or plaint respecting such lands and upon hearing of the parties interested, or upon default of the said parties, after such notice of proceeding as the said court shall order, decree such patent, lease or other instrument to be void; and upon the registry of such decree in the office of the Registrar-General of Canada, such patent, lease or other instrument shall be void.

73. When any settler, purchaser, or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of these regulations, or whenever any person is wrongfully in possession of Dominion land, or refuses to vacate or abandon possession of the same, the Minister of the Interior may apply to a Judge of any Court having competent jurisdiction in cases respecting real property in the Province or place in which the land is situate, for an order in the form of a writ of ejectment or of *habere facias possessionem*; and the said Judge, upon proof to his satisfaction that such land was so forfeited, and should properly revert to the Crown, or if wrongfully in possession of such person, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Minister of the Interior or to the person by him authorized to receive such possession; and such order shall have the same force as a writ of *habere facias possessionem*, and the sheriff shall execute the same as he would execute the said writ in an action of ejectment or a petitory action.