

ACTS OF LAST SESSION.

to the tariff, or this Act, the same shall be reduced or ordered to be refunded, upon such terms as to costs or otherwise as the court or Judge may think fit to impose.

AN ACT

To secure Free Grants and Homesteads to actual Settlers on the Public Lands.

[Assented to March 4, 1868.]

Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act shall be called and known as "The Free Grants and Homestead Act of 1868," and may be so cited or designated in all Acts or proceedings whatsoever.

2. The Statute of the Parliament of the late Province of Canada, passed in the twenty-third year of Her Majesty's Reign, entitled "An Act respecting the Sale and Management of the Public Lands," may be cited and designated in all Acts and proceedings as "The Public Lands Act of 1860," and is the Act hereinafter so designated.

3. The thirteenth section of "The Public Lands Act of 1860" is hereby repealed, except that Patents may issue for all lands heretofore located as free grants under that section, as if this Act had not been passed.

4. The Lieutenant-Governor in Council may appropriate any Public Lands considered suitable for settlement and cultivation, and not being Mineral Lands or Pine Timber Lands, as Free Grants to actual Settlers, under such regulations as shall from time to time be made by Order in Council, not inconsistent with the provisions of this Act.

5. Such grants or appropriations shall be confined to lands surveyed or hereafter to be surveyed, situate within the tract or territory composed of the Districts of Algoma and Nipissing, and of the lands lying between the Ottawa River and the Georgian Bay, to the west of a line drawn from a point opposite the south-east angle of the Township of Palmerston north-westerly along the western boundaries of the Townships of North Sherbrooke, Lavant, Blithfield, Admaston, Bromley, Stafford and Pembroke to the Ottawa River, and to the north of the rear or northerly boundaries of the Townships of Oso, Olden, Kennebec, Kaladar, Elzevir, Madoc, Marmora, Belmont, Dummer, Smith, Ennismore, Somerville, Laxton, Carden, Rama, and of the River Severn.

6. The person to whom any land may be allotted or assigned under such regulations for a free grant thereof, shall be considered as located for said land within the meaning of this Act, and is hereinafter called the Locatee thereof.

7. No person shall be located for any land under this Act or said regulations unless such person shall be of the age of eighteen years or upwards, nor shall any person be so located for any greater quantity than one hundred acres.

8. Before any person shall be located for any land as aforesaid, such person shall make affidavit to be deposited with the Agent authorized to make such location, that he or she has not been located for any land under this Act or under said regulations, and that he or she is of the age of eighteen years or upwards, and believes the land for which he or she applies or desires to be located, is suited for settlement and cultivation, and is not valuable chiefly for its mines minerals or pine timber, and that such location is desired for his or her benefit and for the purpose of actual settlement and cultivation of such land, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever, nor for the purpose of obtaining, possessing or disposing of any of the pine trees growing or being on the said land, or any benefit or advantage therefrom, or any gold, silver, copper, lead, iron, or other mines or minerals, or any quarry or bed of stone, marble or gypsum thereon.

9. No patent shall issue for any land located under this Act or under said regulations until the expiration of five years from the date of such location, nor unless or until the Locatee or those claiming under him or some of them shall have performed the following settlement duties, that is to say, shall have cleared and have under cultivation at least fifteen acres of the said land, whereof at least two acres shall be cleared and cultivated annually during the five years next after the date of the location, to be computed from such date, and have built a house thereon fit for habitation at least sixteen feet by twenty feet, and shall have actually and continuously resided upon and cultivated the said land for the term of five years next succeeding the date of such location, and from thence up to the issue of the Patent, except that the Locatee shall be allowed one month from the date of the location to enter upon and occupy the land, and that absence from the said land for in all not more than six months during any one year, (to be computed from the date of the location) shall not be held to be a cessation of such residence, provided such land be cultivated as aforesaid.

On failure, in performance of the settlement duties aforesaid, the location shall be forfeited, and all right of the Locatee, or of any one claiming under him or her, in the land shall cease.

10. All Pine trees growing or being upon any land so located, and all gold, silver, copper, lead, iron, or other mines or minerals, shall be considered as reserved from said location, and shall be the property of Her Majesty, except that the Locatee or those claiming under him or her, may cut and use such trees as may be necessary for the purpose of building, fencing, and fuel, on the land so located, and may also cut and dispose of all trees required to be removed, in actually clearing said land for cultivation, but no pine trees (except for necessary building, fencing, and fuel as aforesaid,) shall