

according to the discretion of the said Governor in Council: Provided always, that no such claim, on account of any error in survey, shall be entertained or granted unless the Land found wanting shall be equal to one fifth of the whole quantity described to be contained in the particular lot or parcel of Land granted or conceded: And provided also that no such claim for indemnity shall be entertained after the space of five years from the issue of the Letters Patent granting or conceding such lot or parcel of Land, or shall extend to cover the value of any improvements made by the grantees in error or mistake under any such grant.

Provide.

Provide.

XXIX. And be it enacted, that it shall and may be lawful for the Court of Chancery, in that part of this Province formerly called Upper Canada, and for the Court of King's Bench, in that part of this Province, formerly called Lower Canada, upon action, bill or plaint, to be exhibited in either of the said Courts, respecting grants of Land situate in the said parts of this Province, respectively, and upon hearing of the parties interested, or upon default of the said parties, after such notice of proceeding as the said Courts shall respectively order, in all cases wherein patents for Land have or shall have issued through fraud, or in error or mistake, to decree the same to be void; and upon the registry of such decree in the Office of the Provincial Registrar of this Province, such Patents shall be deemed void, and of none effect to all intents and purposes whatsoever, and that the practice and proceeding in Court in such cases shall be regulated by orders to be from time to time made and issued by the said Courts respectively.

Courts in
Upper and
Lower Cana-
da empowered
to annul pa-
tents for Land
issued through
mistake.

Practice of
Court regula-
ted.

XXX. And be it enacted, that it shall be the duty of Her Majesty's Commissioner for the sale of Crown Lands for the time being, to keep a book for the entry, at the option of the parties interested, of the particulars of any assignments made as well by the original nominee or locatee, as also by any subsequent assignee or assignees, of any such claim on Lands heretofore located in respect thereof, such assignment or assignments being first produced or exhibited to the Commissioner aforesaid, together with an affidavit of the due execution thereof, sworn before any Justice of the Peace, who is hereby fully authorized to administer the oath in this behalf, and such affidavit shall truly express the time of the execution of such assignment or assignments, and thereupon it shall be the duty of the said Commissioner to cause the material parts of every such assignment to be entered or registered in such book of entry or registry, and to endorse on every such assignment a certificate of such entry or registration; and every such assignment entered or registered shall be valid against any one of a previous date or execution, but not then entered or registered, except in cases of express notice; and in all cases of such assignments being duly registered, it shall and may be lawful that the patent issue in the name of such assignee or assignees: Provided always that in case the subscribing witness or witnesses to any such assignment shall be de-

Commissioner
to keep a regis-
ter for assign-
ments of claims
of lands lo-
cated Patent
may issue in
the name of
the assignee.

Provide.

ceased