

BILL

No. 33.]

[1863—2nd Sess.

An Act for the protection of Settlers in Lower Canada, in certain cases.

WHEREAS extensive tracts of wild land in many parts of Lower Preamble.

Canada, and more especially in the townships thereof, have heretofore been granted to, or have come into the hands of non-resident proprietors, many of whom have not, or for long periods of time have not had any known resident agents for the management thereof, and many of whom are not, or for long periods of time have not been so much as generally known to be the proprietors of such lands; And whereas the surveys of many such tracts have been most imperfect and unsatisfactory, and the lines of boundaries between the lands of different proprietors, and also between such lands and those of the Crown, are in very many cases doubtful or unknown, or have even never been drawn; and whereas, great numbers of settlers—many of whom did not, or even now do not, know on whose land they are—have long held and still hold possession of many portions of such tracts of land, and have cleared and otherwise greatly improved the same, and have borne and still bear all taxes and other public burthens thereon, as if they had been and were proprietors thereof; And whereas the litigation which has taken place between such proprietors and settlers has already been productive of grave social evils, and the continuance of such litigation—unless the delays and costs thereof, and the hardships thence to result, be as much as possible lessened by legislation—must lead to still worse results; And whereas, it is at once just and expedient, with the view of averting these evils, to provide for the protection of such settlers by such enactments as hereinafter are set forth for the lessening of such delays, costs and hardships, in suits hereafter to be instituted; therefore, Her Majesty, &c., enacts as follows:

1. Any settler or individual, who, by himself or by his *auteurs*, shall have openly and publicly enjoyed the undisturbed possession, for the five years next before the institution of any suit for his ejection therefrom, of any lot or part of a lot of land in Lower Canada, which, when he or his *auteurs* acquired possession thereof, was wild and unimproved, and shall have borne such taxes and other public burthens as during such term may have been imposed thereon, and shall have increased the market value thereof by improvements made with the view of permanent settlement thereon as owner thereof, provided such possession commenced before the date of the passing of this Act, but not otherwise, shall be held entitled to claim in such suit, in the manner and under the limitations hereinafter set forth, the increased market value which such improvements may have given thereto, over and above the value of the use and occupation of the said land, before he shall be dispossessed thereof.

Settlers on lands with five years' possession: entitled to the value of their improvements subject to certain deduction.

2. Should the parties not agree as to such increased market value and as to the value of such use and occupation, then, upon the demand of either of them to that effect, made after the title of the proprietor shall have been either admitted or proved to the satisfaction of the parties, the value of such improvements may be determined by experts.