

ney may be repaid with interest—or other land may be assigned—or a land certificate may be granted.

Proviso.

Lands may, in cases of sale, cause a repayment of the purchase money, with interest, or when the land has passed from the original purchaser or has been improved before a discovery of the error, or when the original grant or appropriation was a free grant, he may in substitution assign land or grant a certificate entitling the party to purchase Crown Lands, of such value and to such extent as to him, the Commissioner of Crown Lands, may seem just and equitable under the circumstances; but no such claim shall be entertained unless it be preferred within five years from the discovery of the error.

Compensation for deficiency of land by reason of false survey or error in departmental books or plans.

Proviso.

24. Whenever by reason of false survey or error in the books or plans in the Crown Lands Department, any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the Patent therefor, the Commissioner of Crown Lands may order the purchase money of so much land as is deficient, with the interest thereon from the time of the application therefor, or if the land has passed from the original purchaser, then the purchase money which the claimant (provided he was ignorant of a deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon from the time of the application therefor, to be paid to him in land or in money, as he, the Commissioner of Crown Lands, may direct, or in case of a free grant he may order a grant of other land equal in value to the land so intended as a free grant at the time such grant was made;—But no such claim shall be entertained unless application has been made within five years from the date of the Patent, nor unless the deficiency is equal to one tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.

Courts may decree patents issued in error, &c., to be void; decree to be registered.

Practice in such cases.

Proceedings under former Acts may be continued under this.

25. In all cases wherein Patents for lands have issued through fraud or in error or improvidence, the Court of Chancery in Upper Canada, and the Superior Court in Lower Canada, may, upon action, bill or plaint, respecting such lands situate within their jurisdiction, 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, decree such Patents to be void;—and upon a registry of such decree in the office of the Provincial Registrar, such Patents shall be void to all intents; The practice in Court, in such cases, shall be regulated by orders to be from time to time made by the said Courts respectively; and any action or proceeding commenced under any former Act may be continued under this section, which, for the purpose of any such action or proceeding, shall be construed as merely continuing the provisions of such former Act.