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No. 15.

3rd Session, 5th Parliament, 20 Victoria, 1857.

BILL.

An Act to protect Squatters in the Townships
of Lower Canada.

Received and read, first time, Monday, 2nd
March, 1857.

Second reading, Friday, 6th March, 1857.

J. B. E. DORION.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act for the protection of Squatters in the Townships of Lower Canada.

WHEREAS the permanent settlement of wild lands is of the very highest importance, and extensive tracts of land in the Townships of Lower Canada were formerly granted to certain individuals with the view of facilitating such settlement, and many of these persons have never fulfilled the condition stipulated in the letters patent; And whereas a large number of these grants of land have fallen into the hands of persons absent from the country and who have not made themselves known; And whereas the lines separating these grants of land from the Crown Domain were very imperfect and in many cases imperceptible, and a great number of the inhabitants of Lower Canada and of the British Isles have settled upon wild lands the proprietors of which were unknown, under the impression that they were settling upon the lands of the Crown; And whereas these settlers have cleared large tracts of land, have improved them and adapted them for cultivation; have opened roads; erected houses and barns, and constructed fences, bridges, and made other improvements, of great value, and have paid the local taxes and developed the resources of their respective localities; And further, whereas these settlers in many cases are unjustly deprived of the fruits of their labour without any compensation, therefor, and that no one is justified in enriching himself by the labour of another: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

- I. Any settler or individual who shall have established himself upon any lot or part of lot of land in the townships of Lower Canada, who shall have enjoyed undisturbed possession thereof for a period of five years previous to the passing of this Act, and who shall have improved the same with the view of becoming the *bonâ fide* proprietor thereof, and of settling permanently thereon, shall be entitled to receive the increased value which the improvements made upon such lot or part of a lot shall have given thereto.
- II. Any person who shall thus have held possession of a lot of land and shall have cleared or cultivated the same or any part thereof, shall be deemed to have occupied the same with the permission of the proprietor, and shall be deemed to be a possessor in good faith for all the purposes of this Act.
- III. In all cases in which the settler and the proprietor shall not be able to come to an amicable understanding with respect to the conditions of purchase or sale or of any agreement whatsoever in relation to any such lot of land, the value of the improvements as above mentioned; as also the value of the premises, provided no improvements had been made thereon, shall be ascertained by three *experts* to be appointed by the parties if they

Squatters having had undisturbed possession for five years before this Act, entitled to value of improvements.

They shall be deemed possessors in good faith, etc.

Value of improvements, and of the land without improvement, to be ascertained by *experts*.

can agree among themselves, and if not, by any Court having jurisdiction in matters concerning real property, or by any Judge thereof, after sufficient notice thereof shall have been given by the party requiring such appointment; the judgment of the said *experts* or a majority of them shall be final and without appeal.

Decision of *experts* final.

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Proprietor may pay value of improvements within a year, and obtain possession.

IV. Within one year after the value of the said improvements shall have been determined as hereinbefore provided, the proprietor of the premises paying the amount awarded for the same to the occupant, shall thereupon be entitled to the possession of the same; but should the proprietor decline to pay the occupant for his improvements, then he shall signify his intention of disposing of the premises to the said occupant at the valuation of the premises to be had in the manner hereinbefore provided, irrespective of the improvements thereon made, and in such case, the said occupant shall be bound to pay the amount of such valuation in five annual instalments, with interest from the date of such award by the *experts* as hereinafter mentioned, and the lot shall remain charged and hypothecated, with privilege of *bailleur de fonds* in favor of the proprietor for the said amount of principal and interest.

Or demand the value of the land, in five yearly instalments, secured by privilege.

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Squatters sued in ejectment in cases now pending, to have the benefit of this Act.

V. In all suits pending before the Courts for the ejectment of settlers, it shall be lawful for the latter to plead and avail themselves of the whole or any part of the provisions of this Act, and the Judges before whom such causes shall be pleaded shall be bound to give judgment in accordance with the provisions of this Act, and shall with respect to costs give such decision as they shall consider just and equitable.

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Act not to affect titles by prescriptions, or agreements.

VI. This Act shall not affect the rights acquired or hereafter to be acquired by virtue of prescription, nor any agreement which may have been entered into between the holder and proprietor of any such lot of land.

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Act to apply only to Lower Canada.

VII. This Act shall be a Public Act, and shall apply to Lower Canada only.