



No. 150.

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4th Session, 8th Parliament, 29th Victoria, 1865.

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**BILL.**

An Act to declare valid certain Sales of  
lands in Upper Canada.

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Received and read, first time, Friday, 18th  
August, 1865.

Second reading, Monday, 21st August, 1865.

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Mr. J. S. SMITH.

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**QUEBEC :**

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An Act to declare valid certain Sales of Lands in Upper Canada.

WHEREAS, by an Act passed in the Session of Parliament held on Preamble.  
the thirteenth and fourteenth years of Her Majesty's Reign,  
chapter sixty-seven, intituled: "*An Act to establish a more equal and  
just system of Assessment in the several Townships, Villages, Towns* 13, 14, Vic.  
*and Cities in Upper Canada,*" it was amongst other things enacted cap. 67.  
that certain lands upon which any taxes should remain unpaid on the  
first day of January, one thousand eight hundred and fifty-one, in so  
much thereof as should be sufficient to discharge such taxes, with  
interest and costs, should be sold by the Sheriff or High Bailiff in  
10 manner in and by the said Act particularly mentioned and set forth.  
And whereas, it was further provided by the said Act, that the owner of  
any such lands so sold as aforesaid, might redeem the same within three  
years from the day of sale, and in case the same should not be so  
redeemed within that period, then that the Sheriff or High Bailiff, at  
15 any time after the expiration of that period, should execute and deliver  
a deed of sale of such land to the purchaser, his heirs and assigns.

And whereas, under the provisions of the said Act, various lands,  
upon which taxes were unpaid as aforesaid, were in the year one  
thousand eight hundred and fifty-two, sold by various Sheriffs of  
20 Counties in Upper Canada; which lands were never redeemed by the  
owners, according to the provisions of the said Act.

And whereas, after such sales were made, and before the said period  
for the redemption thereof had expired, that is to say, on the fourteenth 16 Vic. cap.  
day of June, one thousand eight hundred and fifty-three, a certain other 182.  
25 Act was passed (sixteenth Victoria, Chapter one hundred and eighty-  
two), which took effect on the first day of January, one thousand eight  
hundred and fifty-four, whereby the said first-mentioned Act (thirteenth  
and fourteenth Victoria, Chapter sixty-seven), was repealed, and no pro-  
vision was made thereby for completing the sales made under the  
30 authority of the said first-mentioned Act.

And whereas, in many cases, the lands sold under the said first-men-  
tioned Act have never been redeemed, and the purchasers thereof have  
obtained deeds thereof from the respective Sheriffs, and gone into  
possession thereof, and made valuable improvements thereon.

35 And whereas, it has been decided and adjudged that by reason of the  
repeal of the said first mentioned Act, before the expiration of the  
period allowed for the redemption of such lands, and before the execu-  
tion by the Sheriff to the purchaser, of a deed of the same, the title of  
such purchaser is defective, and unless a remedy be provided much  
40 loss and injury will be sustained by innocent purchasers; and it is  
expedient to provide a remedy in that behalf.

Therefore Her Majesty, by and with the advice and consent of the  
Legislative Council and Assembly of Canada, declares and enacts as  
follows:—

Sales legally  
made under  
13, 14 Vic.  
cap. 67, de-  
clared valid  
and binding.

1. In all cases where lands were legally sold for taxes under the authority of the said first-mentioned Act, and not redeemed within the period by that Act limited in that behalf, such sales shall be and are hereby declared legal and binding upon all parties concerned, and all deeds executed or that may be executed by the Sheriff for conveying such lands to the respective purchasers thereof, shall be held to be legal and valid, any thing in the said Statute secondly hereinbefore-mentioned or any other Statute or law to the contrary notwithstanding. 5