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4th Session, 3d Parliament, 14 Victoria, 1851.

BILL.

An Act to define and establish the division line between Upper and Lower Canada.

Received and read a first time, Monday, 26th
May, 1851.

Second Reading, Tuesday, 3rd June, 1851.

Mr. Sol. Gen. DRUMMOND.

TORONTO: PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to define and establish the division line between Upper and Lower Canada.

WHEREAS the Proclamation issued by His Excellency Alured Clark, Esquire, Lieutenant-Governor of the then Province of Quebec, bearing date the eighteenth day of November, one thousand seven hundred and ninety-one, for the purpose of determining and fixing the division line between the Provinces of Lower and Upper Canada, is, in some parts, contradictory in its terms and inconsistent with the laws in force in the said then Province of Quebec, and in others extremely indefinite and inconvenient, and cannot be carried into execution without a violation of the vested rights of individuals who, under the said laws, held peaceable possession of property under the titles granting the same, for more than sixty years anterior to the date of the said Proclamation; Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That the Division Line between the two said late Provinces of Lower and Upper Canada, is and shall be taken to have been as follows:—Commencing on the northerly bank of Lake St. Francis at the Cove West of *Pointe au Baudet*, at the point where the said Cove is intersected by the south-western boundary line of the Seigniorship of *Nouvelle Longueuil*, as established agreeably to the 28th Article of the *Arrêt et Règlement du Conseil Supérieur de Quebec*, pronounced and enacted on the eleventh day of May, one thousand six hundred and seventy-six, by the *Procès-Verbal* and plans of the late Joseph Bouchette, in his lifetime, Surveyor-General of Lower Canada, bearing date the 19th day of July, 1806, and deposited in the archives of the Provincial Secretary, on the 20th day of April, 1849; proceeding thence along the said south-western boundary line of the said Seigniorship of *Nouvelle Longueuil*, to a stone boundary erected at the westernmost angle of the said Seigniorship, and mentioned in the said *Procès Verbal*; running thence along a straight line to be drawn from the said westernmost angle of the said Seigniorship of *Nouvelle Longueuil*, to a stone boundary erected at the south-westerly angle of the Seigniorship of Rigaud, by the said late Joseph Bouchette, at the time of the survey made by him of the western boundary line of the said Seigniorship of Rigaud, and described in his *Procès Verbal*, of the last mentioned survey, (which also bears date on the 19th day of July, 1806, and was depo-

Boundary between Upper and Lower Canada described.

sited in the archives of the Provincial Secretary, on the 21st day of April, 1849,) and running thence along the western boundary line of the said Seignior of Rigaud, as established by the said late Joseph Bouchette, to the Ottawa River; thence in the same course out into the said River to the middle of the main channel thereof, and thence (except as hereinafter provided,) through the centre of the main or deepest channel of the said River, up to Lake Temiscaming; thence through the middle of the said Lake, up to the westernmost mouth or outlet of the White River (*Rivière Blanche*), and thence through the main or deepest channel of that branch of the said White River which flows most directly from the North up to the source thereof, and thence by a line drawn due north until it strikes the Hudson's Bay Territory; Provided always, that the Grand Calumet, and Grand and Little Allumettes Islands shall belong to Lower Canada, and the middle of the main channel between them and the southerly bank of the Ottawa River, shall be the boundary between Upper and Lower Canada.

Proviso.

Grantees from the Crown of lands in New-Longueuil, but supposed when granted to be in Lancaster shall obtain deeds of concession thereof from the Seignior on certain conditions.

What shall be paid to the Seignior on taking such deed.

II. Provided always, and be it enacted, That any person or the legal representative of any person, who at any time before the eighth day of April, which was in the year of our Lord one thousand eight hundred and six, may have obtained from the Crown a grant of any part of the said tract of land (namely of that part of the said Seignior of New Longueuil, formerly erroneously supposed by some persons to be included within the limits of the Township of Lancaster) as being part of the said Township of Lancaster, shall be entitled to have, demand and receive from the Seignior of the said Seignior of New Longueuil, (who is hereby required and rendered liable to grant the same, and whose obligations in this respect may be enforced by any Court having competent jurisdiction,) a deed of concession of the piece of land for which such person or persons, or his or their predecessors shall so have obtained a grant from the Crown, and the concession deed to be so granted, shall be made and granted on the same terms and conditions as the other lands in the same range or concession of the said Seignior have usually been conceded; and the person or persons demanding such concession deed, shall pay to the said Seignior of the said Seignior of New-Longueuil at the time of the passing of the said deed of concession, in lieu of arrears or past revenue, such a sum of money as the *cens et rentes* on the land to be so conceded would have amounted to, had the party claiming such concession deed, or his predecessors, obtained such concession deed upon the terms aforesaid, at the time of the making of the grant under and in consequence of which such concession deed may by virtue of the present Act be demanded; but the sum of money to be so payable at the time of the passing of such concession deed, shall not in any case

exceed the sum that twenty-nine years' arrears of the *cens et rentes* to be imposed on the piece of land to be so conceded, would amount to, nor shall the person or persons claiming concession deeds from the Seigneur of the said Seignior of New-Longueuil, under the present Act, be liable to pay any sum of money as arrears of *lods et ventes* or as arrears of any seigniorial dues other than *cens et rentes* as aforesaid: Provided always, that the Seigneur of the said Seignior of New-Longueuil shall not be liable to grant any such concession deed, unless the person or persons entitled to the same by virtue of this Act shall have demanded such concession deed, and complied with the conditions hereby imposed in that respect, within twelve months from the passing of the present Act; and any person or persons entitled to demand any such concession deed under the present Act, who shall fail to demand the same, or to comply with the conditions aforesaid within the said period of twelve months from the passing of this Act, shall from and after the expiration of the said period of twelve months, cease to have any right to demand a deed of concession of the land for which under the provisions of the present Act he or they might within the said last mentioned period have demanded a deed of concession, and shall immediately after the expiration of the said period of twelve months, be bound and liable to deliver up to the Seigneur of the said Seignior of New-Longueuil, possession of the land for which he or they might so have demanded a deed of concession on the conditions and within the period aforesaid; and no person or persons so entitled to demand any such concession deed under the present Act, and failing to do so, or to comply with the conditions aforesaid, shall be entitled to hold, have or claim the piece of land for which he might have demanded, but shall have failed to demand a deed of concession, by reason or on account of any possession which his or their representatives may have had of such piece of land, even when such possession shall have been for a longer period than thirty years, but such possession shall in all suits at law and in all other matters be considered and held to have been in bad faith; and provided also, that nothing in this Act contained shall defeat, impair or otherwise prejudice any concession deed heretofore made by the Seigneur of the Seignior of New-Longueuil of any part of the said tract of land; and the Seigneur of the said Seignior of New-Longueuil shall not, by reason of any thing in this Act contained, be liable or be obliged to grant a concession deed of any part of the said tract of land which has heretofore been conceded by the present or any former Seigneur of the said Seignior of New-Longueuil.

Proviso: the deed must be applied for, and arrears paid within a certain time, or the rights to such deed will be lost, and the possession of the party who might have obtained it shall be held to have been in bad faith.

Proviso; concessions heretofore made by the Seigneur not to be affected.

III. And whereas in consequence of the doubts created and difficulties caused by the said error in the said Proclamation, the owners of the said tract of land forming

The possession of parties holding lands in the said tract without grant either from the Crown or the Seignior shall be held to be in bad faith.

part of the said Seignior of New-Longueuil, but so erroneously supposed by some parties to form a part of the said Township of Lancaster, have been prevented from exercising their just rights as owners of the said tract of land, and divers persons have taken or obtained possession of part thereof without having, either through themselves or their predecessors, obtained any grant thereof from the Crown or lawful authority from the Seignior of the said Seignior of New-Longueuil: Be it therefore enacted, That any person or persons in possession of any part of the said tract of land without any grant thereof from the Crown either through themselves or their predecessors, or without lawful authority from the Seignior of the said Seignior of New-Longueuil, shall not be entitled to hold, have or claim the parts of the said tracts of land so possessed by them by reason of any possession which they or their predecessors may have had thereof, even where such possession shall have been for a longer period than thirty years, but such possession shall in all suits at law and other matters be considered and held to have been in bad faith.

Compensation may be made out of the public moneys or lands in certain cases of loss by the line hereby established.

IV. Provided also and be it enacted, That should any party in consequence of the establishment of the present line, suffer any loss or damage either by having his lands transferred from free and common soccage into the Seigniorial tenure, or by being deprived of improvements, or of lands for which he had a deed or deeds from or derived from the Crown, or from the adjoining Seigniors, it shall be lawful for the Governor in Council to direct adequate compensation to be made to such party in money or in lands for any loss that shall be established to have been so sustained, and such compensation shall be in lieu of all claims for such loss or damage against any person from or through whom the title of such party has been derived, and the party so deprived of any such land shall not have or exercise at any time any claim or recourse of any kind against the Seignior who may have conceded such land, or against the representatives of such Seignior.