



## BILL.

An Act to compel persons claiming Lands under Patent in the Townships of Lower Canada to register their claims to the same, and to provide for the settlement of such of the said Lands as shall remain unclaimed after a certain time, and for other purposes therein mentioned.

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April, 1849.

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DR. FORTIER.

## B I L L .

An Act to compel persons claiming Lands under Patent in the Townships of Lower Canada, to register their claims to the same; and to provide for the settlement of such of the said Lands as shall remain unclaimed after a certain time, and for other purposes therein mentioned.

**W**HEREAS there are in the Townships of Lower Canada a great number of Lots of Land, of which the owners are dead, absent or unknown, such owners being also in many cases not aware that the Lands belong to them, and the said Lands being left wild and uncared for, tend greatly to retard the settlement of the neighboring lands and of the said Townships: For remedy thereof be it enacted, &c. Preamble.

And it is hereby enacted by the authority of the same, Claimants of lands under Patent in the Townships of Lower Canada to register their claims (if not already registered) within a certain time.

10 That each and every person claiming any land for which Letters Patent have issued, in the Townships of Lower Canada, and whose title to the same is not registered in the Registry Office of the proper County at the time of the passing of this Act, shall register his claim thereto in

15 such Registry Office, within one year from the passing of this Act, either by causing his title to such land to be registered by registering the Patent or deed, if his immediate title be founded on such Letters Patent or on some deed which can be so registered, or if his immediate title be by

20 descent, or by virtue of some other right not susceptible of being registered in the usual form,—then by registering the last deed or document, making part of his title which can be registered in the usual manner, and in either case by delivering to the Register a memorial under the

25 hand of the claimant, stating distinctly the right or claim by virtue whereof he is proprietor of the land, and his residence, and if such residence be not within the County, then naming a person and place in the County upon whom, or at which, all process, notices, and service of any kind in

30 any matter relative to the said land, or to any taxes, roads or other matters to which the same is subject or liable, may be as validly made as if made personally upon the said claimant or at his residence, in default of which nomination all such services shall be held to be duly made

35 upon him if left for him at the Registry Office of the County; and such memorial shall be attested in the manner by law provided with regard to other memorials.

II. And be it enacted, That at the end of the said term of one year from the passing of this Act, any person If such claim be not registered to any

lands, any person may take possession of it on certain conditions,

may take possession of any unoccupied lot of land in any Township in Lower Canada to which no claim shall be registered, after he shall have deposited with the Registrar of the County, a declaration made before Notaries, containing the description of the lot, and binding himself 5 to pay the proprietor for the same, the like price and on the like terms and conditions of payment, for and upon which any public lands are then offered for sale in the same Township, stating distinctly and truly such price, terms and conditions, and that he and his heirs and *ayant* 10 *cause*, shall continually reside upon and occupy the said land, and shall during each year clear and make fit for cultivation at least two acres thereof until at least ten acres shall be so cleared, and shall pay all taxes and make and repair all roads and bear all other burthens for which 15 the proprietor of such land would be liable, and shall give up the land to the proprietor at any time within four years, from the passing of this Act, on receiving payment for all the improvements he shall have made thereon, at a valuation to be made by arbitration if the parties cannot agree; and the Registrar shall deliver a 20 copy of the said declaration to the person making the same with a certificate of registration thereon indorsed, and the same shall, to all intents and purposes whatsoever, avail and have like effect as a promise of sale 25 (*promesse de vente*) from the proprietor to the person making such declaration, his heirs and assigns, upon the terms and conditions therein mentioned; and in like manner a copy thereof and of the certificate of registration, certified by the Registrar shall avail and have the effect 30 in favor of the proprietor, his heirs and *ayant cause*, to enable him to recover the land on payment of the value of the improvements, as aforesaid, or to enforce the conditions of the said declaration, as the case may be.

Lots not claimed or occupied within ten years to be forfeited to the Crown.

III. And be it enacted, That if any such lot as aforesaid 35 be not claimed or occupied under declaration as aforesaid, within ten years from the passing of this Act, it shall be *ipso facto* forfeited to and the property thereof vested in the Crown, and may be sold and otherwise dealt with in like manner as other lands of the Crown; 40 and that with regard to all such lands, occupied under declaration as aforesaid and not claimed within ten years from the passing of this Act, the Crown shall be substituted for the proprietor thereof and shall have all the rights which such proprietor would have had, and may 45 enforce the performance of the conditions of the declaration, or recover the land if they be not performed in like manner as such proprietor could have done.

How the value of any improvements to be paid for shall be estimated.

IV. And be it enacted, That the value of any improvements made on any such land as aforesaid, and to be 50 paid for by the proprietor, shall, if the parties cannot agree, be fixed by arbitrators, one to be appointed by

each party, or by any Circuit Judge if such party do not appoint a competent arbitrator within six days after being called upon by the other party so to do, and a third arbitrator to be appointed by the other two, or if they  
5 cannot agree, then by the Circuit Judge, on the application of either of the said arbitrators, after one clear day's notice to the other of the time at which such application is to be made.

V. And whereas the want of communication roads in  
10 the said Townships is one of the causes which prevent the settlement thereof; Be it enacted, that all proprietors of Townships, or of lots, half lots or parcels of land in the Townships, shall cause to be made in each range of the said Townships a road of the width of forty feet,  
15 so soon as such road shall have been ordered by the Municipal Council of the County in which such Township shall lie, or by the Court of Quarter Sessions of the District; and after a By-law or *procès verbal* shall have been obtained from such Council or Court, by the parties praying for such road, (who shall not be less than ten in number,) it shall be the duty of the Inspector of Roads for the Township to order the making of the said road; and on  
20 the refusal of the proprietor or grantee of such Township, or of any lot, half lot or parcel of land therein, to make the road ordered to be made in conformity with the By-laws or *procès verbal* obtained as aforesaid, the said Inspector shall, after having obtained an order from any Justice of the Peace resident in the Township, or in the County wherein such Township, lot, half lot or parcel of  
25 land shall lie, cause such quantity of wood or land to be sold as shall be necessary to pay for the making of the said road, and shall return the surplus, if any, to the proprietor, after deducting expenses, and the Inspector shall make the Road and pay for the same out of the proceeds  
30 of such sale as aforesaid.

Proprietors of lands in Townships to make certain roads therein.

On refusal so much of the land or timber to be sold as will pay for making the road.

VI. And be it enacted, That a tax of *one penny* per acre per annum, shall be and is hereby imposed and shall be levied on all unoccupied and uncultivated lots,  
40 half lots or parcels of land in Townships in Lower Canada, wherein roads have been or shall be laid out and opened or repaired or improved at the cost of the Province, for the maintaining of such roads; and in default of payment of such tax some time in the month of  
45 present, to such person as shall be appointed by the Governor for that purpose, it shall be the duty of the Commissioners of Public Works, or of the person appointed to collect the said taxes, to cause to be sold, after judgment rendered by the Court of Quarter Sessions of the  
50 District wherein such Township, lot, half lot or parcel of land shall lie, such quantity of land, or of wood as shall be as nearly as possible, sufficient to pay the said tax and the

Tax imposed on wild lands in Townships in which roads have been.

How enforced.

costs; but if there be any surplus, it shall be returned to the proprietor of such Township, lot, half lot or parcel of land, or to his agent, and for the purposes of this Act any lot or half lot of land shall be deemed unoccupied and uncultivated, unless there be some person resident thereon, or at least ten acres cleared, fenced, and under cultivation. 5

As to service of notice on the proprietor. VII. And be it enacted, That in case the proprietor of such Township, lot, half lot or parcel of land, shall not reside in the District in which such Township, lot, half lot or parcel of land shall lie, the writ of summons may be validly served on his agent or attorney, or if he have no such agent, then by leaving a copy thereof for him at the County Registry Office addressed to him as the proprietor of a certain lot or parcel of land, describing it, but without naming him. 10 15