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No. 72.

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

**An Act to enforce the Registration of
all Titles to Lands in the Townships
of Lower Canada.**

Received and read a first time, Monday, 20th
Sept., 1852.

Second reading, Wednesday, 29th Sept., 1852.

DR. FORTIER.

QUEBEC:

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BILL.

An Act to enforce the Registration of all Titles to Lands
in the Townships of Lower Canada.

WHEREAS there are in the Townships of Lower Canada, large Preamble.
Tracts of Wild Land which have been granted by Letters Patent
from the Crown, but for which there is no known legal owner, or for
which, if the name of the legal owner be known, yet there is no means
5 of ascertaining where such owner can be found or by whom he is
represented in this Province, so that Municipal Officers, intending
Settlers and others, who may have occasion to apply to the owners
of such Lands or their agents, cannot ascertain to whom or at what
place such application is to be made, and the said Lands remain waste,
10 uninclosed and uncultivated, and the roads upon them, or to the main-
tenance of which they ought to contribute, remain unmade, or after being
made by others, or at the public expense, are allowed to be out of re-
pair and unpassable, to the manifest inconvenience of the public, the great
injury of the Settlers on adjacent Lands, and the retardment or pre-
15 vention of the settlement of the Country, while there are persons who
would be willing to purchase such Lands at a fair price, and to settle
upon and cultivate the same, and to perform all public duties in respect
thereof; And whereas many persons have in good faith settled upon Lands
which from want of all accessible information to the contrary, they believed
20 and had reason to believe to belong to the Crown, but which had in fact
been granted, thereby losing years of labour, and being in many cases ut-
terly ruined;—for remedy of the evils hereinbefore stated; Be it enacted, &c.,

That every person or party being, or claiming to be the owner of
any Lot, half Lot or piece of Land in any of the Townships in Lower
25 Canada, on which Lot, half Lot, or piece of Land there is not at the time
of the passing of this Act, an inhabited house occupied by such owner or
claimant, or by some person for him, and acknowledging him as the
owner thereof, shall, within one year from and after the first day of
January, 1853, file with the Registrar of Deeds for the County or divi-
30 sion of a County for Registration purposes, in which the Land so owned
or claimed by him shall lie, a schedule signed by him or his Attorney,
and either made before a Notary, or before two witnesses one of whom
shall swear to the execution before some Circuit Judge, and contain-
ing his christian and surnames at full length, and a list and sufficient
35 description of all the Lands owned or claimed by him within such
County or Division of a County, and stating also his place of residence,
if within Lower Canada, and if not, then naming some person resident
within the same, whom he authorizes to act for him as his agent in all
40 matters and things whatsoever relative to his said Lands, and to receive

All parties
owning or
claiming land
in the Town-
ships of Low-
er Canada to
file a sche-
dule thereof
with the pro-
per Registrar:
What particu-
lars such sche-
dule must con-
tain.

all notices respecting the same; and stating the residence of such person; and if such schedule be not made by the owner or claimant of such Lands but by his Attorney, then the said schedule shall also set forth the date of the power of Attorney under which he acts, and the Notary with whom it is deposited in Lower Canada, and shall contain 5 the residence of such Attorney, and his christian and surmanes at full length; and all services of notices or otherwise made upon the person designated in such schedule, at the place therein appointed for the purpose, shall be valid and effectual to all intents and purposes as regards such Lands, and all matters and things thereunto relating, as 10 if made upon the owner or claimant in person; And the said schedule shall also refer distinctly to the title or titles under which such owner or claimant owns or claims the Lands therein mentioned; and such title, if not previously registered in the office in which the said schedule is fyled, shall be registered at the time of fyling such schedule, which, 15 otherwise shall not be deemed to be fyled for the purposes of this Act; Provided, always, that such title may be registered either at full length, or by memorial, at the option of the party registering the same; And provided, also, that if the said owner or claimant mentioned in the schedule be not the party actually mentioned in such title, but the 20 Lands have come to him by descent or otherwise than by virtue of some instrument, writing, judgment or other title susceptible of registration, then the mode in which such Lands shall have come to him from the last owner whose title is registered, shall be distinctly set forth and traced, and all circumstances necessary to the full understanding of the 25 right of such owner or claimant, shall be distinctly stated.

Titles to be referred to.

Proviso.

Proviso.

Schedule to be corrected as occasion may require.

II. And be it enacted, That such schedule as aforesaid shall be corrected from time to time as circumstances may require, either by the same or any subsequent owner or claimant of the same Land, by fyling a new schedule in the like form. 30

Possession may be taken by actual settlers of wild lands touching which no Schedule is fyled as aforesaid: and on what conditions and terms.

III. And be it enacted, That if at any time after the expiration of from the passing of this Act, there shall be any Lot, half Lot or piece of Land, not having upon it an inhabited house occupied by the owner or claimant of such Land, or by some person acknowledging him as the owner thereof, and there shall be no such schedule as aforesaid fyled 35 with reference to such land in the office of the proper Registrar, then any person may take possession of the same, for the purpose of immediate and actual settlement and residence thereon, upon fyling with the proper Registrar a memorandum or declaration made before Notaries, stating the number, range and Township of such Lot, half Lot or piece of 40 Land, (and no person shall so take possession of more than one full Lot) and declaring himself to be ready to pay for the same to the true owner thereof, at the same rate, and on the same terms, at which at the date of such declaration, the Provincial Government is selling the Crown Lands in or nearest to the same place; and such declaration shall be regis- 45 tered by such Registrar in the usual manner at full length on payment of the usual fees; And provided the person fyling such declaration shall, within _____ months after the date thereof actually become resident on such Land, and shall within _____ months after the said date actually clear and cultivate _____ acres of such Land, then so long as 50

Actual settlement necessary.

he or his assigns shall actually reside on and occupy such Land, such declaration shall be to him or them a valid title to the same, and the former owner of such Land may recover from the holder thereof by special privilege of *bailleur de fonds*, the price of the Land at the rate mentioned or referred to in such declaration, with interest from the date thereof, at the terms at which the same would be payable to the Crown if the sale had been made by the Crown at the date of the said declaration; Excepting always, that if the true owner of the Land should within
 5 _____ months after the date of the said declaration claim the said Land, and tender to the person having possession thereof under such declaration as aforesaid, the value of all his improvements thereon, and of any growing crops thereon, and *thirty* per centum thereon in addition thereto, then he shall have his Land again, and the title of the person holding under the said declaration shall be void.

Exception.

15 IV. And be it enacted, That all Lands of or concerning which a schedule is required to be or a declaration may be fyled as aforesaid under this Act, and concerning which no such schedule nor such declaration as aforesaid shall be fyled within five years from the passing of this Act, shall at the end of that period be absolutely vested in the Crown, and
 20 may be regranted or otherwise dealt with as other Crown Lands, and all right and title of any person to the same under any former Letters Patent shall utterly cease and determine.

Lands touching which no schedule or declaration is fyled vested in the Crown.