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4th Session, 8th Parliament, 29th Wictoria, 18

An Act to afford relief to the original @wnershand and protection to the Furchasers of lands old prematurely for texes in Upper Candia, under a mismterpretation of the Conditional Assertance Act.

No. 9 of 1865-1st Session-]

OTTAWA:

PRINTED BY HUNTER, ROSE & CO., SALLY STREET.

An Act to afford relief to the original Owners, and protection to the Purchasers of lands sold prematurely for taxes in Upper Canada, under a misinterpretation of the Consolidated Assessment Act.

WHEREAS, in certain counties in Upper Canada a belief has pre-Preamble, vailed that lands could be lawfully sold for taxes whenever any portion of such taxes had been due for five years, the terms of the Act in that behalf being so indistinct that the true intent thereof was 5 generally considered to be uncertain; and whereas sales of land for taxes have been made under this belief, and it is expedient to grant relief to the owners and protection to the purchasers thereof; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

- 10 1. The true intent of the law in that behalf is and has been,—that For what time no land in Upper Canada can or could lawfully be sold for taxes unless taxes must be a portion thereof has or shall have been due for five years, on the first lands can be day of January next before the issuing of the Treasurer's warrant for sold the sale thereof.
- 2. Any person whose land has been sold for taxes under any Trea-Right of surer's warrant issued sooner than six years from the first day of Janu-redemption to ary of the year in which some portion of such taxes became due on lands have such land, may tender to the Treasurer of the County in which such been sold lands lie, within one year after the passing of this Act, the amount of sooner.

20 the taxes due thereon at time of the issuing of such warrant, with interest thereon at the rate of ten per centum per annum, from the said time until the time when the said tender is made, and all subsequent taxes paid thereon with interest from the time of payment thereof until the time when the tender is made, together with compen-

25 sation of any improvements that may have been made upon such land by or under the purchaser thereof, or his assignee, or tenant; And the amount of such compensation, where the parties interested cannot agree upon the same, shall be assessed and finally determined upon by the Reeve, and the Assessor and Collector, or any two of them, of the

30 municipality in which such land is situate; and it shall be the duty of Value of inthe said officers to inspect such improvements when notified and required be estimated in writing to do so by the original owner of such land, or some person and said on his or her behalf, or by the occupant or person claiming such compensation, and to make and forward their award under their hands and

35 seals, or the hands and seals of two of them, to the County Treasurer, within days from date of such notification, which award may be in the following form:

"We, A. B., Reeve of the municipality of , in the County Certificate of of , and C. D., Assessor, and E. F., Collector (or as the case valuation.

40 may be), both of the same place, hereby certify that we have this day

examined the improvements made upon Lot No. , in the consession (or street, as the case may be), in the Township of (or town or village, as the case may be), in the said county, since the said lot was sold for taxes in the year , and have assessed the value of such improvements at the sum of dollars and the value of such improvements at the sum of this cents. Given from under our hands and scals at this

A. B., Reeve of C. D., Assessor of E. F., Collector of

And upon such tender the person making the same shall receive from the said Treasurer a certificate in the following form:

Treasurer's certificate. day of

has this day paid me the sum ... I hereby certify that cents, being the amount payable under the Act (cite this Act by its chapter and the year of Her Majesty's reign) for 15 cents for improvedollars and the redemption money, and concession of the in the ments (if any) on lot number , which , in the county of township or town or village of , the said lot. A.D. 18 aday of was sold for taxes on the Given under my hand at having been so sold in error. day of

A. B.3 Treasurer of the County of

Effect of pay- And the said land shall be held to have been lawfully redeemed, and ment and certificate. The dedemption money shall be paid over by the Treasurer to the pure 25 chaser or his legal representatives, on his or their surrendering all claims chaser or his legal representatives.

to such land, and such purchaser, and those who represent him, shall cease to have any right in or to the same; but after the expiration of one year from the passing of this Act, all such lands as aforesaid, which shall not then have been redeemed under this Act, shall be held to have 30 shall not then have been redeemed under this Act, shall be held to have 30 been lawfully sold: Provided always, that nothing herein contained shall be construed to disturb or in any way invalidate any title made to lands sold for taxes, in any case where sale have been allowed to pass without a tender in writing having them.

Proviso.

sale have been allowed to pass without a tend proprietor of such lands, 35 made to the County Treasurer, by the original proprietor of such lands, or some person on his or her behalf, of the amount of money for which the land was sold, together with interest at the rate aforesaid, with demand for a reconveyance of such land, but in any such case the sale, shall be held to be legal and valid.