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No. 205.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to amend an Act therein mentioned, and to make other provisions for the management and disposal of the Public Lands and to limit the period for making Free Grants.

Received and read a first time, Wednesday, 28th
March, 1849.

Second reading, Tuesday, 3rd April, 1849.

HON. MR. PRICE.

BILL.

An Act to amend the Act therein mentioned, and to make other provisions for the management and disposal of the Public Lands, and to limit the period for making Free Grants.

WHEREAS it is deemed expedient and necessary Preamble.
to amend and otherwise extend the provisions of
the Act of the Legislature of this Province, passed in the
session held in the fourth and fifth years of Her Majesty's
5 Reign, intituled, "*An Act for the disposal of Public Lands,*" 4 and 5 Vict.
c. 100.
as well as to remove certain doubts which have arisen as
to the intent and meaning of some of the provisions of the
said Act; And whereas by the second section of the said
Act, it is enacted that with certain exceptions therein-
10 after provided, no free grants of Public Land shall be
made to any person or persons whatsoever; And where-
as doubts have been entertained whether the same does
not preclude Her Majesty from the exercise of Her Royal
Grace, in the relinquishment of her rights to Escheats
15 and Forfeitures in favour of those near of kin, or other-
wise connected with the parties last seized thereof, and
it is expedient to remove all such doubts: Be it there-
fore declared and enacted, &c.

And it is hereby declared and enacted by the authority To what lands
only Sect. 2 of
the said Act,
shall extend.
20 of the same, that the second section of the said Act, ex-
tends and shall be deemed to have at all times extended
to such lands only as no Patent Deed had ever issued
for, and not to such as having been once granted by Let-
ters Patent, had subsequently become vested in Her Ma-
25 jesty, either by act of the party or by operation of Law.

II. And whereas by the eighteenth section of the said Recital.
Act, it is amongst other things enacted, that the receipt
to be given to the purchaser of any land from the Crown,
shall bear date on the day on which it is actually signed,
30 and shall authorize the purchaser to take immediate pos-
session of the lot so sold, and maintain suits in law or
equity, against any wrongful possessor or trespasser on
such land, as fully and effectually as if the Patent Deed
had issued on the day of the date of such receipt; And
35 whereas great inconvenience has arisen from its having
been held that such provision does not extend to receipts
on sales of the lands commonly known as Clergy Re-
serves, and it is expedient to extend the operation thereof,
generally to all sales by or on the part of the Crown; Be
40 it therefore declared and enacted, That the said eighteenth
Section 18 of
the said Act
extended to

sales of all
lands of which
the legal estate
is in the
Crown.

section of the said Act extends and shall be deemed to have at all times extended to sales of Clergy Reserves, Crown Reserves, School Lands, and generally to sales of all lands of what nature, kind or description soever, of which the legal estate is or shall be in the Crown, and the sale thereof is or shall be made by any Department of the Government or any officer thereof, for and on behalf of Her Majesty, Her Heirs or Successors, whether such land be held by Her Majesty for the public uses of the Province, or in the nature of a trust for some charitable or other public purpose, and whether such receipts be for partial payments or in full payment of the land. 5 10

Location
Tickets to con-
fer certain le-
gal rights on
the nominees.

III. And be it enacted, That Location Tickets or licenses of occupation for Crown or other Public Lands, given by the Commissioner of Crown Lands, or by any authorised Agent of the Department of Crown Lands, shall also bear date on the day on which they are actually signed, and shall in like manner authorize the nominees thereof, to take immediate possession of the lot or lots therein described, and as long as the said Location Ticket or license of occupation be not revoked by an Order in Council, to maintain suits in law or equity against any wrongful possessor or trespasser on such land, as fully and effectually as if the Patent Deed had issued on the day of the date of such Location Ticket or license of occupation. 20 25

Claims to land
or scrip to be
established
within one
year, or forfeit-
ed.

IV. And be it enacted, That all claims to scrip or land, whether of minors or others, and all other claims to land or scrip founded upon Orders in Council or regulations still in force, shall be established to the satisfaction of the Governor in Council, within one year after the passing of this Act, or in default thereof they shall be for ever forfeited. 30

Forfeiture of
lands on which
monies remain
unpaid or set-
tlement duties
unperformed.

V. And be it enacted, That all lands upon the grant of which fees were payable, and which fees are now due, or upon which settlement duties remain to be performed or the performance of such settlement duties to be proved, shall be forfeited at the end of two years from the passing of this Act, unless such fees shall be duly paid, and such settlement duties duly performed, and the performance thereof proved to the satisfaction of the Governor in Council within the said period: Provided always, that nothing in this Act contained shall be held to apply to free grants of fifty acres, made upon the lines of public roads, as provided by the twenty-sixth section of the Act hereby amended. 35 40 45

Proviso; as to
free grants on
certain Roads.

More than one
agent may be
appointed for
one locality or
more than one

VI. And be it enacted, That it shall and may be lawful for the Governor to appoint one or more Agent or Agents for the sale of Public Lands in each Municipal District or County, or for such locality or localities as may be deemed 50

advisable, or to appoint an Agent to act for one or more
 Municipal Districts, Counties or localities, and from time
 to time to make and alter such further regulations as may
 be deemed expedient and proper for the guidance and
 5 direction of the Agents so appointed or to be appointed
 under the authority of this Act or of the Act hereby
 amended.

locality as-
 signed to one
 Agent.

VII. And be it enacted, That whenever a Patent shall
 have been erroneously issued in consequence of any
 10 clerical error, incorrect return of an Agent, or wrong
 description of the land thereby granted or intended to be
 granted, it shall and may be lawful for the Governor in
 Council, upon the Report of the Commissioner of Crown
 Lands thereon (there being no adverse claim), to direct
 15 the defective Patent to be cancelled, and a correct one to
 be issued in its stead, which said corrected Patent shall
 relate back to the date of the one so cancelled, and be
 construed to have the same legal effect as it would have
 had, had it borne the same date as such cancelled Patent.

Patents may
 in certain ca-
 ses of error be
 cancelled by
 the Governor
 in Council and
 others issued.

VIII. And be it enacted, That the duties imposed
 upon Her Majesty's Commissioner of Crown Lands by
 the thirtieth section of the Act hereby amended, for the
 registration of assignments of located claims, shall be held
 to extend to the registration of assignments of claims lo-
 25 cated subsequently as well as previously to the passing
 of the said Act; and that all assignments of such loca-
 tions in Lower Canada executed before Notaries, or
 before one Notary and two witnesses, shall be deemed
 sufficient, and shall be registered accordingly; Provided
 30 always, that all assignments contemplated by this or the
 amended Act shall be unconditional.

Certain provi-
 sions of Sect.
 30, extended
 to assignments
 before or after
 the said Act,
 &c.

Proviso: as-
 signments
 must be un-
 conditional.

IX. And be it enacted, That it shall be the duty of the
 Commissioner of Crown Lands, as soon after the passing
 of this Act as circumstances will permit or render ex-
 35 pedient, to cause to be prepared lists of any of the Public
 Lands under his management already sold or leased or
 which may hereafter be sold or leased, and upon which
 arrears of one or more instalments or of one or more
 years rent have already or may hereafter accrue, and to
 40 direct sales to be made thereof on any specific day to be
 named, after a notice of not less than thirty days, and one
 publication at least in the *Canada Gazette* and a local or
 District newspaper.

Commissioner
 of C. L. to
 cause lists of
 lands in arrear
 to be adverti-
 zed and the
 lands to be
 sold after a
 certain time.

X. And be it enacted, That it shall be the duty of the
 45 said Commissioner before publishing any such list to
 submit the same for the consideration and approval of the
 Governor in Council, who shall establish the price and
 conditions upon which the said lands shall be offered; and
 lots which shall not meet with purchasers at the upset
 50 price on the first day of sale, shall thereafter become dis-

Such lists to
 be previously
 submitted to
 the Governor
 in Council,
 who shall fix
 prices, &c.

possible by the local Agent in the same manner as other advertised lands, subject to such modification of price and terms as may from time to time be deemed proper by the Governor in Council, to the first applicant who complies with the conditions required, the first locatee 5 excepted, who shall in no case be allowed to re-purchase at private sale, unless paying up the whole of the arrears due with interest up to the date of such sale.

Sale not to be to the former locatee unless he pay in full.

No such sale within six months,

Proviso; lot to be withdrawn on payment in full by locatee.

What shall be held to be compliance with the terms of purchase or lease.

Interpretation clause.

XI. Provided always and be it enacted, That no sale shall be made under the provisions of this Act, until after 10 the expiration of six calendar months from the passing thereof: and provided further, that if the original locatee or purchaser of any lot so advertised for sale, shall at any time before the day of sale pay one of the instalments due on the said lot with interest accrued thereon, 15 then it shall be the duty of the Commissioner of Crown Lands to withdraw the said lot from the intended sale, and the said original locatee or purchaser shall be held to comply with the conditions of his purchase or lease so long as he continues to pay yearly one of the instalments 20 due with interest, or three years rent or interest for lots on lease or on quit rent, otherwise the lot shall again be liable to be sold as aforesaid, for the remaining instalments due.

XII. And be it enacted, That the words "Commis- 25 sioner of Crown Lands" in this Act or in any other Act relating to the administration of the Public Lands of this Province, shall also be held to mean the Assistant Commissioner of Crown Lands or any other officer duly commissioned to perform the duties assigned to the Com- 30 missioner of Crown Lands.