

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1837. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1837.

7 William IV – Chapter 2 (Session 2)

**An Act to restrain the provisions of the fifth section of an Act, intituled “An Act for the support of the Civil Government in this Province,” and to establish sundry regulations for the future disposal of Crown Lands and Timber in certain cases. Passed 22d July 1837.**

‘Whereas in and by the fifth section of an Act made and passed at this present Session, intituled “An Act for the support of the Civil Government in this Province,” it is enacted, that all disposals of any of His Majesty’s lands, woods, mines and royalties within this Province, made during the continuance of the said Act, shall be utterly null and void and of none effect unless made at public auction to the highest bidder: And whereas it is deemed advisable to restrain the operation of the said fifth section in certain cases;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That nothing in the aforesaid in part recited Act contained shall extend or be construed to extend to prevent His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of the Executive Council, at any time during the continuance of this Act from disposing, by private sale, of any tract or tracts of ungranted Crown lands to any person or persons who shall, prior to the passing of this Act, be actually settled upon and shall have Improved such tract or tracts without any legal authority for so doing: Provided always, that in no case shall more than one hundred acres be granted to any one person, and that no grant be made as aforesaid for less than two shillings and sixpence currency per acre for immediate payment, or three shillings currency per acre by four annual instalments; and that the names of the Grantees, with a statement of the quantity of land granted to each, where situate, and the terms and conditions of sale be laid each year, with the other Casual Revenue accounts, before the General Assembly.

II. And be it enacted, That it shall and may be lawful for His, Excellency the Lieutenant Governor and Commander in Chief for the time being, by and with the advice and consent of the Executive Council, if they shall see fit, to grant licenses for cutting and hauling timber, logs, or other lumber, immediately on their being applied for, and to renew the same to the former occupant or occupants who may have worked the same during the previous year, on his or their making timely application therefor before the previous license expires, and to grant the same by private sale, on petition, without public auction, at the following rates, viz.:

For square red pine timber, two shillings and sixpence per ton;

For square white and sapling red pine, two shillings per ton;

For square Birch, Spruce and Hemlock, one shilling and sixpence per ton;

For pine and spruce logs, three shillings and sixpence per thousand superficial feet;

And for all other descriptions of wood, the sum of ten pounds upon every hundred pounds of its estimated value;

And in case two or more persons shall apply on the same day for a new berth, if the said Lieutenant Governor or Commander in Chief, by and with the advice and consent aforesaid, shall see fit to dispose of the same, that then and in such case it shall be sold by the Commissioner of Crown Lands or his Deputy, to the highest bidder, and be competed for between the applicants only; provided that no such licence be granted for a longer term than one year, and not to extend beyond the first day of May next after the issuing thereof.

III. 'And whereas cases may arise where persons licensed to cut timber, logs or other descriptions of lumber may exceed the quantity so licensed;' Be it therefore enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice aforesaid, to grant relief to the person or persons so exceeding their license upon payment of the lawful tonnage money; provided that the person so exceeding the quantity licensed make such application for such excess and pay the tonnage before the first day of May in each year; and provided also, that such excess shall have been cut within the limits of his license.

IV. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor and Commander in Chief for the time being, by and with the advice and consent aforesaid, to make such rules and regulations relating to the disposal of land and the licensing of timber, logs and all other descriptions of lumber, and for the guidance of applicants, agreeably to the true intent and meaning of this Act, as may be deemed expedient and proper to carry the provisions of this Act into effect, which said rules and regulations shall be published in the Royal Gazette.

V. 'And whereas cases may arise where industrious emigrants or natives not having any land may be desirous of procuring small allotments for immediate settlement: And whereas there are in this Province sundry tracts of ungranted Crown land not valuable for lumbering purposes, but fit for agricultural improvement, and which should be disposed of on reasonable terms to persons of the above description;' Be it enacted, That from and after the passing of this Act, it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief, by and with the advice and consent of the Executive Council, to sell and grant by private sale to any emigrant or native, being British subjects, not having any land, and who shall prove to the satisfaction of the said Governor and Council that he is deserving of such privilege and has not applied for the same for any other purpose than that of immediate settlement and cultivation, a quantity of land of the description mentioned in the preamble of this section, not exceeding one hundred acres to each individual; and that an account of such disposals be annually laid before the General Assembly specifying the name of Grantees, the quantity granted to each, where situate, and the terms and conditions of sale: Provided always, that no land shall be sold and granted as aforesaid for less

than two shillings and six pence currency per acre, to be paid immediately on the application being- complied with, and before the applicant take possession thereof.

VI. And be it enacted, That in case any officer of the army or navy of the United Kingdom shall be desirous of purchasing land from the Crown in this Province, and shall make it appear to the satisfaction of the Lieutenant Governor or Commander in Chief for the time being, that the same is for the purpose of actual settlement by such officer, that then it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of the Executive Council, to grant a remission of the purchase money or part thereof to all such officers according to the following graduated scale on the production of testimonials of unexceptionable character from the General Commanding in Chief or from the Lords of the Admiralty:

Field Officers of the Army of twenty five years service in the whole and upwards, three hundred pounds;

Field Officers of the Army of twenty years service in the whole and upwards, two hundred and fifty pounds;

Field Officers of the Army of fifteen years service in the whole or less, two hundred pounds;

Captains in the Army of twenty years service in the whole and upwards, two hundred pounds;

Captains in the Army of fifteen years service in the whole or less, one hundred and fifty pounds;

Subalterns in the Army of twenty years service in the whole or upwards, one hundred and fifty pounds;

Subalterns in the Army of seven years service in the whole or less, one hundred pounds;

And Officers of His Majesty's Navy of the corresponding ranks and terms of service in the like proportion;

Provided always, that no remission of purchase money be made to any officers of the Civil Departments of the Army or Navy.

VII. And be it enacted, That all grants, leases and other assurances under the great seal of this Province, made and entered into under and by virtue of any of the provisions of the said in part recited Act or of this Act, shall in all cases and in all Courts of law and equity within this Province be deemed and taken to be evidence, that all the requisitions of the said in part recited Act or of this Act, as the case may be, in regard to the mode and terms of disposing of the lands, tenements or hereditaments in such grants, leases or assurances contained, have been duly observed and complied with.

From: British North America Legislative Database; University of New Brunswick  
bnald.lib.unb.ca

VIII. And be it enacted, That this Act shall continue and be in force until the first day of September which will be in the year of our Lord one thousand eight hundred and thirty nine.