

IV. *And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the said Justices, assembled as aforesaid, in February next, by an order of Court, to authorise and direct the Treasurer of the said District to raise by loan from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the District, a sum, not exceeding Two Thousand, Five Hundred Pounds, to be applied for the purposes herein-before mentioned, and not otherwise.*

May raise a loan not exceeding £2,500 for purposes of this Act.

*And be it further Enacted by the authority aforesaid, That the money so borrowed, under the authority of this Act, shall not bear greater interest than six per centum per annum, and that the Treasurer of the said District for the time being shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than Five Hundred Pounds from and out of the rates and assessments coming into his hands under the authority of this Act.*

Not more than six per cent. interest to be paid for said loan.

CHAP. XXXVI.

AN ACT for the Relief of John Putman Clement.

[PASSED, JAN. 19th, 1824.]

**WHEREAS**, under the operation of an Act of the Parliament of this Province, passed in the fifty-eighth year of the Reign of His Late Majesty, King George the Third, entitled, 'An Act for vesting in Commissioners the estates of certain traitors, and also the estates of persons declared aliens, by an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, 'An Act to declare certain persons therein described aliens, and to vest their estates in His Majesty, and for applying the proceeds thereof towards com-

PREAMBLE.

compensating the losses which His Majesty's subjects have sustained in consequence of the late war, and for ascertaining and satisfying the lawful debts and claims thereupon," the estate in fifty acres of land, being the south half of Lot number One Hundred and Seven in the Township of Niagara, formerly occupied by one John Putman Clement, claiming to be the legal proprietor thereof, has been vested in the Commissioners appointed under and by virtue of the said Act, and sold by them as therein directed:—And Where, as the said John Putman Clement has, by his petition, set forth, that he was prevented, by misapprehension, from traversing the inquisition in due time, by virtue of which the said lands became so forfeited; and that the person who purchased the same at the sale of the said Commissioners, was cognizant of his title to the said land, and that the same was erroneously returned as forfeited: And whereas it is desirable to afford to the said John Putman Clement an opportunity of exhibiting his claim to the said land, and trying the merits of such claim:—

**BE IT THEREFORE ENACTED** by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same:—

That it shall and may be lawful for the said John Putman Clement at any time within six months from the passing of this Act, to traverse all or any inquisition or office whereby the real estate in the said land has been vested in His Majesty and the Commissioners aforesaid, as forfeited.

John P. Clement allowed to traverse within six months any inquisition affecting certain land in Niagara.

**II.** *And be it further Enacted by the authority aforesaid,* That if judgment be given for the Traverser upon his plea, it shall and may be lawful for the said Commissioners, upon proof being produced to their satisfaction that the purchaser of the said land, at the sale thereof by the said Commissioners, or other person holding the same at the time of passing this Act, was, at the time of his acquiring the same, cognizant of the titles of the said John Putman Clement thereto; and that the same was erroneously returned as forfeited, upon a transcript of the said judgment, under the seal of the Court, being filed with them, to execute a Deed of Bargain and Sale to the said Claimant of the lands in fee simple; which Deed, being fully registered in the Register Office of the County, within six months from the date thereof, shall be good and valid in Law, notwithstanding the former Deed thereof by them given; and shall vest the estate in the said land in said Claimant, any law, matter, or thing, to the contrary thereof notwithstanding.—*Provided always nevertheless,* That nothing in this Act contained shall be construed to deprive any person or persons who, before the passing of this Act, may have purchased the said land, or any part thereof, from the purchaser or purchasers thereof, at the sale, by order of the said Commissioners, or from any Assignee or Assignees of such purchaser, or purchasers, of his or their right to recover by law the amount of purchase-money which shall have been paid by him or them for the same to such purchaser or purchasers, or assignee or assignees respectively.

If judgment be given for traverser, Commissioners under 54 Geo III ch 9th, shall give a deed for the same;

Which being registered in six months, shall be valid.

Nothing in this Act to hinder any assignee of, or purchaser, to recover the purchase money.

**III.** *And be it further Enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners, out of the monies now in the hands of the special Receiver appointed under and by virtue of the above-recited Act, to repay the purchaser or purchasers of the said land, at the sale thereof, by order of the said Commissioners, the monies paid and advanced by them for

Commissioners to repay the original purchaser the purchase money with interest.

the purchase of the said lands, or any part thereof, together with the interest thereon accrued and due; and that for this purpose the said Commissioners shall and may issue their warrant or debenture on the said Special Receiver in favour of the said purchaser or purchasers, which warrant or debenture, when paid, shall be a sufficient discharge of the said Special Receiver.

How paid.

Traverser, if he succeed, may take possession of any buildings upon paying for them.

IV. *And be it further Enacted by the authority aforesaid.* That if any purchaser or purchasers of the said property hath or have, since the sale thereof, by order of the said Commissioners, and before the passing of this Act, erected any buildings thereon, the Traverser of the said inquisition, if he shall succeed in his traverse, shall, before he shall be entitled to take possession of the premises, under any conveyance to him thereof made by the said Commissioners, under the directions of this Act, pay to the persons entitled thereto such sum of money as the said Commissioners shall determine to be the value of such buildings, as aforesaid.

The said John P. Clement to give security for costs.

V. *And be it further Enacted by the authority aforesaid.* That before any traverse to the said inquisition shall be received or filed in the Office of His Majesty's Court of King's Bench, the said John Putman Clement, or his heirs, shall enter into a Bond to His Majesty in the penalty of Fifty Pounds, conditioned for the payment of all such costs as His Majesty may be put unto in or about the defending the said traverse, in case judgment shall be given thereon for His Majesty, His Heirs or Successors, or the said John Putman Clement shall fail in prosecuting the same with effect.