

STATUTES,

OF

Upper Canada,

PASSED IN THE FOURTH SESSION OF THE NINTH PROVINCIAL PARLIAMENT.

MET AT YORK ON THE FIFTEENTH DAY OF JANUARY 1828, AND PROROGUED ON THE TWENTY FIFTH DAY OF MARCH, IN THE NINTH YEAR OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K.C.B.
LIEUTENANT GOVERNOR.

ANNO DOMINI 1828.



CHAP. I.

AN ACT to limit to a certain period the proceedings under an Act of the Parliament of this Province passed in the Fifty-fourth year of His late Majesty's Reign, entitled, "An Act to declare certain persons therein described Aliens, and to vest their Estates in His Majesty, and to afford further facilities to Claimants of Estates forfeited under the said Act in certain cases."

[Passed 25th March, 1828.]

WHEREAS it is expedient that the proceedings under a certain Act of the Parliament of this Province entitled, "An Act to declare certain Persons therein described Aliens, and to vest their Estates in His Majesty," should after a limited period be closed, and that certain facilities should be afforded to Claimants of Estates Forfeited under the said Act.

Preceded

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 from and after the First day of July next, no Commission shall issue under the authority of that Act, except such as may be necessary for rectifying any error or errors in the proceeding under which any Estate has been returned as Forfeited.

55 Commission under 54 Geo. 3, ch. 9, to issue after 1st July next.

Claims to Real Estate may be received at any time before Sale.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be competent to the Commissioners for Forfeited Estates to receive Claims to Real Estate which has been returned as Forfeited at any time before such Estate has been actually sold; *Provided* such Claim shall appear to them to be well founded, and to decide thereupon in the same manner as if such claim had been made within the period heretofore prescribed by law, and that the award thereupon in favor of such Claimant shall have the legal effect of diverting the title to such Estate out of the Commissioners and vesting the same in such Claimant according to the nature and degree of the Estate awarded.

Provision for enabling the Commissioners to rectify errors in certain cases, notwithstanding the Estate may have been sold.

Purchasers consent to be first obtained.

Return of purchase money.

III. *And be it further enacted by the authority aforesaid,* That in all cases in which it shall come to the knowledge of the Commissioners for Forfeited Estates after sale has been made under their direction of any Real Estate as Forfeited, that by reason of any error which has taken place in the proceedings relative to the Forfeiture, or in any subsequent proceedings, such Real Estate, or any part thereof, has been improperly returned as Forfeited, and when the Purchaser of such Estate, or his Assigns, shall be willing to receive from the Commissioners the return of the purchase money, and legal interest thereon, which they are hereby authorized to pay, and shall surrender to such Commissioners the title to such Estate, it shall and may be lawful for such Commissioners, by Deed executed by them in the same manner as they are at present authorized to execute Conveyances, to transfer such Real Estate, which has been so erroneously vested in them, to the person or persons who shall establish before them a legal claim to the same.

Saving of right to traverse.

IV. *And be it further enacted by the authority aforesaid,* That nothing contained in this Act shall extend to deprive any party of his right to traverse, or to limit the period for filing the same as now authorized by law.