

CHAP. X.

An Act relative to Confiscated Estates.

[Passed 20th March, 1829.]

Preamble

Power given to Commissioners for Forfeited Estates, in certain cases, with consent of parties, to transfer Lots which were intended to have been sold, in place of those which, by error, were actually sold; and to accept a transfer of the Lot erroneously sold, in return.

WHEREAS it is represented, that in several instances Lands have been erroneously confiscated, and sold under the Statutes heretofore passed for the disposal of Estates forfeited during the late war with the United States of America, the purchasers whereof are willing to relinquish their purchases, and to accept in lieu the Lands intended to have been respectively proceeded against. *And whereas* such arrangements are expedient and just: *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 passing of this act, it shall and may be lawful for the Commissioners appointed for carrying into effect the aforesaid acts for the disposal of forfeited Estates, or the majority of them, from time to time to inquire whether any Lots, Pieces, or Parcels of Land not liable to confiscation, have been, or may be hereafter returned to and sold by them; under the said acts, and if so, also to inquire whether any other Lots, Pieces, or Parcels of Land not returned as forfeited, or if so returned, not actually sold by the said Commissioners, was or were liable to confiscation; and whether the same was intended or ought to have been proceeded against instead of the Premises so erroneously forfeited and sold; and in case it shall appear to the satisfaction of the said Commissioners, or the majority of them, that other Lots, Pieces, or Parcels of Land were intended, or ought to have been proceeded against, instead of the Premises that may have been, or may hereafter be respectively erroneously forfeited and sold, it shall and may be lawful for the said Commissioners, or the majority of them, to transfer and convey to the purchaser or purchasers of any such Lots, Pieces, or Parcels of Land so erroneously forfeited and sold as aforesaid, and in lieu thereof, and upon the same terms and considerations, provided such purchaser or purchasers shall be willing to accept the same, the Lots, Pieces, or Parcels of Land which they the said Commissioners, or the

majority of them, shall so find liable to confiscation, and against which it shall appear proceedings were intended, or ought to have been originally instituted, the said last mentioned Lands being first duly vested in the said Commissioners, pursuant to the provisions of the Statutes hereinbefore mentioned.

II. *And be it further enacted by the authority aforesaid,* That whenever any such Lots, Pieces, or Parcels of Land so erroneously sold as aforesaid, shall be relinquished by the purchaser or purchasers thereof as aforesaid, it shall and may be lawful for the said Commissioners, or the majority of them, to decree and transfer the same to the proper owner or owners thereof, according to his, her, or their lawful and just estate and right therein.

The lands transferred back to the Commissioners as having been erroneously sold may be by them conveyed to the rightful claimant thereof.

III. *And be it further enacted by the authority aforesaid,* That in case the purchaser or purchasers of any Lots, Pieces, or Parcels of Land that have been, or may hereafter be erroneously sold as aforesaid, shall decline accepting in lieu thereof the Premises which ought to have been proceeded against and sold, or in case there shall be no other Lands to substitute for such erroneous sale or sales, it shall and may be lawful for the Commissioners, or the majority of them, to restore to the said purchaser or purchasers, the purchase money paid to the said Commissioners, by him, her, or them, respectively, with lawful interest thereon from the period of payment, provided he, she, or they shall be willing to accept the same, and thereupon to decree and transfer the Lots, Pieces, or Parcels of Land so erroneously sold as aforesaid, to the rightful owner or owners thereof, as hereinbefore provided in the Second Section of this Act.

When the purchaser of lands erroneously sold, shall decline accepting the intended lands in exchange, the money paid by him shall be repaid with interest, and the land conveyed to the rightful owner.

CHAP. XI.

AN Act to Improve the Navigation of Lake Ontario, by authorising the construction of a Harbour at Cobourg, by a Joint Stock Company.

[Passed 20th March, 1829.]

WHEREAS the construction of a safe and commodious Harbour at Cobourg, in the District of Newcastle, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage

Preamble

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