

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1808.
York: John Cameron, 1808.

48 George III – Chapter 10

An Act to continue an Act passed in the forty-fifth year of his Majesty's reign, entitled "an Act to afford relief to those persons who may be entitled to claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown, in cases where no patent hath issued for such Lands, and further to extend the benefits of the said Act. Passed 16th March, 1808.

Whereas an act passed in the forty-fifth year of his Majesty's reign, entitled "*an act to afford relief to those persons who may be entitled to claim lands in this Province, as heirs and devisees of the nominees of the Crown, in cases where no patent hath issued for such lands,*" will shortly expire, and it is expedient to continue the said act, and further to extend the benefits thereof; 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, & to make further provision for the government of the said province,*" and by the authority of the same, That the said act of the forty-fifth year of his Majesty's reign, and every part thereof, and every clause, matter and thing there in contained, shall be and the same is hereby continued.

II. And be it further enacted by the authority aforesaid, That the assignee or assignees of the nominee or nominees of the crown to lands in this Province, who is or are dead, or who have left this Province before the passing of this act, without having obtained his Majesty's letters patent for such lands in his, her or their lifetimes, or before he, she or they did leave this province, may respectively bring their claim or claims for the said lands before the commissioners hereinafter to be appointed, who shall and may and they are hereby authorized to hear and determine the claim or claims of such assignee or assignees, and to report thereupon to the Governor, Lieutenant Governor, or Person Administering the Government, in council, in like manner and under the like regulations and restrictions as are in and by the said act passed in the forty fifth year of his Majesty's reign, and hereby continued, directed to be observed respecting the claim or claims of the heir or heirs, devisee or devisees of the nominee or nominees of the crown to lands, brought before the commissioners under that act, & that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government, in council, to issue his Majesty's letter patent for the lot or lots, parcel or parcels of land specified in the said report to or in trust for such person or persons, his, her or their heirs and assigns, as is or are therein declared, by the said commissioners to be appointed under and by virtue of this act, to be the assignee or assignees of the nominee or nominees of the crown, as aforesaid, to such lot or lots, parcel or parcels of land; and that all and every the provisions, regulations, restrictions, matters and things, which in and by the said act of the forty-fifth year of his Majesty's reign, are enacted and contained, of and concerning, or in any wise touching or relating to the claim or claims of the heir or heirs, devisee or

devises of the nominee or nominees of the crown, mentioned in that act, shall be and are hereby extended to the assignee or assignees of such nominee or nominees.

III. And be it further enacted by the authority aforesaid, That for the better procuring of evidence to be laid before the commissioners to be appointed under this act, respecting any claim or claims that may be brought before them by virtue thereof, it shall and may be lawful for the Governor, Lieutenant governor, or person administering the government of this Province, for the time being, to appoint some person in each and every district of this Province to be a commissioner for taking upon oath (which oath the said commissioners are hereby authorized to administer) the testimony of any person or persons relative to such claim or claims to be brought before the said commissioners.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall forswear him, her or themselves before any such commissioner, he, she or they shall on conviction thereof, be subject to all the pains and penalties of wilful and corrupt perjury.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, at any time during the continuance of this act, to issue such and so many commissions, under the Great Seal of this Province to the members of the Executive Council thereof, his Majesty's Chief Justice of the said Province, the Justices of the Court of King's Bench, and such and so many other persons as the said Governor, Lieutenant Governor, or person administering the Government shall think fit, which said commissioners, or any three of them, of whom the said Chief Justice or one of the said Justices shall be one, shall have full power and authority to carry into force and effect all and every the powers and provisions, matters and things, specified and contained in the said act of the forty-fifth year of the reign of his present Majesty, and in this act; and that the said commissioners shall hold their sittings at the same place, and at the like times and in like manner as are specified and declared by the said first mentioned act, respecting the sitting of the said commissioners therein mentioned, under and by virtue of the same.

VI. And be it further enacted by the authority aforesaid, That the clerk of the peace in each and every district of this Province, shall once in every three months make a list of the claims set up in his office, specifying the name or names of the claimant or claimants, together with the number of the lot or lots, and the concession or concessions, with the name or names of the township or townships in which the lands so claimed do lie, and affix the said list on some conspicuous part of the court house or place where the courts are usually held at each general quarter sessions.

VII. And be it further enacted by the authority aforesaid, That this act shall be and it is hereby declared to be in force for and during the term of four years, and no longer.