

Laws of His Majesty's Province of Upper Canada, passed in the year 1821. York: R. C. Horne, 1821.

2 George IV – Chapter 6

An Act to amend an Act passed in the fifty-ninth year of His late Majesty's Reign, 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 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.'*" Passed 14th April, 1821.

Whereas by 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*" certain Estates in this Province have become vested in His Majesty, having been found by Inquisition to have been on the first day of July one thousand eight hundred and twelve, in the seizin of persons, declared Aliens by the Provisions of that Act, which Estates were after the said first day of July and before the departure of such Aliens from this Province conveyed to bona fide purchasers without any intention of fraud, or were seized and sold in execution upon judgments lawfully obtained before the departure of such Aliens from this Province as aforesaid: And whereas the Provisions of the said Act in that behalf were only intended to prevent fraudulent sales, made with intent to evade expected forfeitures, it is expedient that relief should be afforded to bona fide purchasers in the cases above mentioned, who in some instances have made large improvements upon lands acquired by them before the passing of said Act, and who would be wholly ruined unless provision is made for such relief. 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 the Commissioners appointed under the Act passed in the fifty ninth year of His late Majesty's Reign, 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 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'*" shall and may have power to revise all such claims as have been brought before them respecting lands of which no sale has already been made under the provision of the said recited Act, passed in the fifty-ninth year of His late Majesty's Reign,

whether the same have or have not been decided on appeal, and if it shall appear to their satisfaction upon the proof brought before them in support of the same claim that the sale by the Alien, or under a judgment against him made or entered before the departure of such Alien from the Province, and before the passing of the said first mentioned Act, was bona fide and not for fraud or evasion, or with a knowledge of the purchaser of his intention to desert the Province, then the said Commissioners shall and may have power to decree such Estate to such claimant proving good title to the same, and that it shall and may be lawful for any person or persons having any claim under such bona fide sale as aforesaid to prefer the same to the said Commissioners within the period of six months from the passing of this Act, any thing in the above recited Act passed in the fifty-ninth year of His late Majesty's Reign to the contrary notwithstanding.

II. And whereas it appears upon the petition of Thomas Ridout, Esquire, and others, that in some cases, from a mistake in describing the Lot or other error in Inquisitions, certain estates have been erroneously returned as forfeited, and the persons owning the same not having observed the public notice thereof until after the expiration of the eight months limited for claiming before the said Commissioners, by reason whereof the same have been absolutely vested in the Commissioners above mentioned, who are compelled to proceed to sell the same notwithstanding such manifest error as aforesaid, Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the said Commissioners to inspect the respective Inquisitions together with the minutes of evidence thereon and compare the same with the returns furnished and published by them according to Law, and that on its appearing to the said Commissioners or a majority of them from such inspection, or otherwise that any Estate has been returned manifestly by error it shall and may be lawful for them at any time before the sale thereof to declare the same to such person as shall prove title thereto, or in default of any claim therefore, to forbear proceeding to sell the same.

III. And be it further enacted by the authority aforesaid, That when any bona fide sale of any Lands or Tenements shall have been made by any person or persons who may hereafter be found by Inquisition to be an Alien or Aliens under the said Act passed in the fifty-fourth year of His Majesty's Reign, when such sale shall have been made previous to desertion of such Alien, it shall and may be lawful for the Commissioners aforesaid, upon satisfactory proof of such bona fide sale, to decree such lands and tenements to the purchaser or purchasers thereof or the person entitled to claim the same.

IV. And be it further enacted by the authority aforesaid, That in all cases where the Real Estate of any person declared an Alien under the provisions of the said Act passed in the fifty-fourth year of His late Majesty's Reign, shall have been sold in execution upon any Judgment obtained against him, before such Real Estate became vested in His Majesty by Inquisition found, the surplus monies arising from such sale, after the satisfaction of the execution and the legal charges thereupon, shall belong to His Majesty, and shall be forthwith paid over by the Sheriff or other Officer holding the same, to the Commissioners of Forfeited Estates, appointed in and by the said Act of the Parliament of this Province, passed

in the fifty-ninth year of His late Majesty's Reign, who shall pay the same to the Special Receiver appointed under the provisions of the said last mentioned Act, to be by him held subject to the same orders and appropriations, as if such monies had arisen from the sale of Real Estate by the Commissioners of Forfeited Estates.

V. And be it further enacted by the authority aforesaid, That in all cases of sales of lands which have been or may hereafter be made by the Commissioners of Forfeited Estates, according to the authority vested in them for that purpose, Deeds of Bargain and Sale which have been, or which hereafter shall be made and executed by the majority of such Commissioners for the time being, shall be as valid and effectual in Law to all intents and purposes as if the same were signed by all the said Commissioners, any Law to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That from and after the first day of August next, the said Commissioners shall meet on the first Tuesday in the months of January, April, July, and November, and at no other time, unless for the purpose of determining some matter specially referred to them, or of receiving the evidence or hearing the claim of some claimant or claimants, agent or agents actually attending for that purpose.