

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1823.
York: Charles Fothergill, 1823.

4 George IV – Chapter 7

An Act to afford Relief to Persons claiming Lands in this Province, under Assignments form Heirs, Devizees, or Assignees of the original Nominee of the Crown, in cases where no Patents had issued, and for other purposes therein mentioned. Passed 19th March, 1823.

Whereas there are many Persons entitled to hold Lands in this Province under and by virtue of claims derived from persons who have held the same as Heirs, Devizees, or Assignees of the original Nominees of the Crown, and who many have died or departed from the province, and such persons so entitled to claim Lands, cannot at present by Law obtain Patents for the same in their own names, and it is expedient to enable them to do so; and whereas it is also expedient to extend the provisions of a certain Act of the Parliament of this Province, passed in the forty-eighth year of His late Majesty's Reign, entituled "*An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign, entituled 'An Act to afford Relief to those persons whop many be entitled to claim Lands in this Province as Heirs or Devizees of the original Nominees of the Crown, in cases where no Patent hath issued for such Lands,' "*" and further to extend the benefit of the said Act: 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, entituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provisions 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 any person or persons holding or claiming Lands in this Province under claims or titles derived from any Heir or Heirs, Devizee or Devizees, or Assignee or Assignees of the original Nominee or Nominees of the Crown to claim such Lands before the Commissioners appointed, or to be appointed under and by virtue of the said Act, passed in the forty-fifth year of His late Majesty's Reign, in the same manner and at the same time as any Heir or Heirs, Devizee or Devizees, or Assignee or Assignees of the original Nominee or Nominees of the Crown are or may be authorised by Law to do; and it shall and may be lawful for the said Commissioners, or the majority of them, to allow any Lands so claimed to the person or persons claiming the same, provided sufficient proof shall be adduced to satisfy the said Commissioners, or the majority of them, that the person or persons claiming the same is or are bona fide the owner or owners thereof, and that due notice hath been given of such claim, by affixing such notice of the claim in some public place in the Court-house of the district in which such lands shall be situated, for at least three months next preceding to the sitting of such Commission, and the same to be proclaimed in open Court by the Cryer thereof, immediately after the charge to the Grand Jury.

II. And whereas the second clause of the said Act passed in the forty-eighth year of His late Majesty's Reign, only authorises the said Commissioners to hear and determine upon claims preferred by the Assignee or Assignees of original Nominee or Nominees who was or were dead,

or who had left the Province previous to the passing of the said Act, and it is expedient to extend the power of the said Commissioners in that respect, Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the said Commissioners or the Majority of them, to hear and determine all such claim or claims as may regularly be brought before them, for any Lot or Lots, Parcel or Parcels of Land, when the original nominee or Nominees of the Crown for such Lands is or are dead or made have left the Province, or in any case hereafter where such Nominee or Nominees may die or leave the Province without obtaining a Patent for such Lands.

III. And be it further enacted by the authority aforesaid, That when any claim or claims shall be allowed and reported by the said Commissioners or the majority of them, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, for the time being, to issue His Majesty's Letters Patent for the Lot or Lots, Parcel or Parcels or Land specified in the report of the said Commissioners as allowed to such claimant or claimants, to or in trust for the person or persons to whom the same may have been allowed, and that all and every the provisions, regulations, restrictions, matters and things which in and by the said Acts passed in the forty-fifth and forty-eighth years of His late Majesty's Reign, are enacted or contained, of and concerning or in any wise touching or relating to the claim or claims of the Heir or Heirs, Devizee or Devizees, or Assignee or Assignees of the Nominee or Nominees of the Crown mentioned in the said Acts, shall be and are hereby extended to the person or persons authorised to claim lands under this Act.

IV. And be it further enacted by the authority aforesaid, That the Commissioners appointed in any District in this Province, to take Affidavits touching any claim or claims to lands under the said Acts, passed respectively in the forty-fifth and forty-eighth years of His late Majesty's reign, shall have full power and authority to take any Affidavit relating to claims to be brought forward under this Act, and if any person or persons shall forswear him, her, or themselves, before any Commissioner duly authorised to take such Affidavits, he, she or they, shall, on conviction thereof, be subject to all the pains and penalties of wilful and corrupt perjury.