

Laws of His Majesty's Province of Upper Canada, passed in the year 1830. York: Robert Stanton, 1830.

11 George IV – Chapter 33

An Act for the Relief of Samuel Theal. Passed 6th March, 1860.

Whereas under the operation of an Act of the Parliament of this Province passed in the fifty eighth 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,*" the Estate in One Hundred Acres of Land, being Lot number Eighteen, in the Tenth Concession of the Township of Grantham, in the District of Niagara, originally granted to George Terney, of the said District of Niagara, deceased, and since sold by George Terney, eldest Son and Heir at Law of the said George Terney, deceased, to Samuel Theal, of Grantham, in the said District of Niagara, claiming to be the legal proprietor thereof, has been vested in the Commissioners appointed under and by virtue of the said Act, and sold by them as therein directed as the property of one Thomas Lane, who withdrew himself from this Province during the late War with the United States: And whereas, the said Samuel Theal has by his Petition set forth that the said Lot never was in the Seizen of the said Thomas Lane, but that the same has been returned through mistake from its contiguity to to the property of the said Thomas Lane: 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 it shall and may be lawful for the said Samuel Theal, at any time within Six Months from the passing of this Act, to Traverse all or any Inquisition or Office whereby the Real Estate in the said Land has been vested in His Majesty, and the Commissioners aforesaid, as forfeited.

II. And be it further enacted by the authority aforesaid, That if Judgment shall be given for the Traverser upon his Plea, it shall and may be lawful for the said Commissioners, upon a transcript of the said Judgment under the Seal of the Court being filed with them, to execute a Deed of Bargain and Sale to the said Claimant of the aforesaid Lot of Land in Fee Simple, which Deed, being fully and duly Registered in the Register Office of the County within which the said Lot of Land is situate within Six Months from the date thereof, shall be good and valid in Law, notwithstanding the former Deed given by them, and shall vest the Estate in the said Land in the said Claimant, any Law, matter or thing, to the contrary thereof in any wise

notwithstanding: Provided always, nevertheless, that nothing in this Act contained shall be construed to deprive any person or persons who, before the passing of this Act, may have purchased the said Land, or any part thereof, from the purchaser or purchasers thereof at the Sale by order of the Commissioners, or from any Assignee or Assignees of such purchaser or purchasers, of his or their right to recover by Law the amount of purchase money which shall have been paid by him or them for the same to such purchaser or purchasers, or assignee or assignees, respectively.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Commissioners, out of the monies now in the hands of the Special Receiver, appointed under and by virtue of the above recited Act, to repay the purchaser or purchasers of the said Land at the sale thereof by order of the said Commissioners, the monies paid and advanced by them for the purchase of the said Lands, or any part thereof, together with the interest thereon accrued and due, and that for this purpose the said Commissioners shall and may issue their Warrant or Debenture on the said Special Receiver in favor of the said purchaser or purchasers, which Warrant or Debenture, when paid, shall be a sufficient discharge of the said Special Receiver.

IV. And be it further enacted by the authority aforesaid, That before any Traverse to the said Inquisition shall be received or filed in the Office of His Majesty's Court of King's Bench, the said Samuel Theal, or His Heirs, shall enter into a Bond to His Majesty in the penalty of Fifty Pounds, conditioned for the payment of all such Costs as His Majesty may be put unto in or about defending the said Traverse in case Judgment shall be given thereon for His Majesty, His Heirs or Successors, or the said Samuel Theal shall fail in prosecuting the same with effect.