

XI. And be it enacted, That all timber seized under this Act, shall be deemed and taken to be condemned, unless the person from whom it was seized or the owner thereof shall within one calendar month from the day of the seizure, give notice to the seizing officer or nearest officer or agent of the Crown Lands Office, that they claim or intend to claim the same; failing such notice, the officer or agent seizing or causing to be seized, shall report the circumstances to the Commissioner of Crown Lands, who shall or may order the sale of the said timber by the said officer or agent, after a notice on the spot, of at least thirty days; Provided always, that it shall and may be lawful for any Judge having competent jurisdiction, whenever he may deem it proper to try and determine such seizures and to order the delivery thereof to the alleged owner on receiving security by bond with two good and sufficient sureties to be first approved by the said agent, to pay double value in case of condemnation, which bond shall be taken to Her Majesty's use in the name of the Commissioner of Crown Lands, and shall be delivered up to and kept by such Commissioner, and in case such seized timber shall be condemned, the value thereof shall be forthwith paid to the Commissioner of Crown Lands, or agent, and the bond cancelled; otherwise the penalty of such bond shall be enforced and recovered.

Timber seized to be condemned if not claimed within a certain time, &c.

Proviso: judge may order timber to be delivered on security being given.

XII. And be it enacted, That if any wilful false oath be made in any case where by this Act an oath is required or authorized, the party wilfully making the same, shall be guilty of wilful and corrupt perjury, and be liable to the punishment provided for that offence; and any persons availing themselves of any false statement or oath to evade the payment of duties, shall forfeit the timber on which duty is attempted to be evaded.

Wilfully false oath to be perjury.

Forfeiture of the Timber in any case of fraud.

XIII. And be it enacted, That parties maliciously cutting or loosening Booms, or breaking up or cutting loose, Rafts or Cribs, shall be guilty of a misdemeanor, punishable with fine and imprisonment of not less than six months.

Maliciously cutting booms, &c, to be a misdemeanor.

XIV. Provided always, and be it enacted, That nothing in this Act contained shall be construed as in any way invalidating or affecting licenses already granted or any obligation contracted for payment of dues under such licenses, or to invalidate or affect the lien of the Crown on any timber cut upon Public Lands now within the limits of the Province, and upon which the dues heretofore exacted have not been paid, notwithstanding any bond or promissory note which have been taken for the amount of such dues.

Existing licenses or liens saved.

C A P . X X X I .

An Act to amend an Act therein mentioned, and to make other provisions for the management and disposal of the Public Lands, and to limit the period for making Free Grants.

[30th May, 1849.]

WHEREAS it is deemed expedient and necessary to amend and otherwise extend the provisions of the Act of the Legislature of this Province, passed in the session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act for the disposal of Public Lands*, as well as to remove certain doubts which have arisen

Preamble.

4 and 5 Vict. c. 100.

arisen as to the intent and meaning of some of the provisions of the said Act; And whereas by the second section of the said Act, it is enacted that, with certain exceptions hereinafter provided, no free grants of Public Land shall be made to any person or persons whatsoever; and whereas doubts have been entertained whether the same does not preclude Her Majesty from the exercise of Her Royal Grace, in the relinquishment of Her rights to Escheats and Forfeitures in favour of those near of kin, or otherwise connected with the parties last seized thereof, and it is expedient to remove all such doubts: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the second section of the said Act, extends and shall be deemed to have at all times extended to such lands only as no Patent Deed had ever issued for, and not to such as having been once granted by Letters Patent, had subsequently become vested in Her Majesty, either by act of the party or by operation of Law.

To what lands only Sect. 2 of the said Act, shall extend.

Recital.

II. And whereas by the eighteenth section of the said Act, it is amongst other things enacted, That the receipt to be given to the purchaser of any land from the Crown, shall bear date on the day on which it is actually signed, and shall authorize the purchaser to take immediate possession of the lot so sold, and maintain suits in law or equity, against any wrongful possessor or trespasser on such land, as fully and effectually as if the Patent Deed had issued on the day of the date of such receipt; And whereas great inconvenience has arisen from its having been held that such provision does not extend to receipts on sales of the lands commonly known as Clergy Reserves, and it is expedient to extend the operation thereof, generally to all sales by or on the part of the Crown: Be it therefore declared and enacted, That the said eighteenth section of the said Act extends and shall be deemed to have at all times extended to sales of Clergy Reserves, Crown Reserves, School Lands, and generally to sales of all lands of what nature, kind or description soever, of which the legal estate is or shall be in the Crown, and the sale thereof is or shall be made by any Department of the Government or any officer thereof, for and on behalf of Her Majesty, Her Heirs or Successors, whether such land be held by Her Majesty for the public uses of the Province, or in the nature of a trust for some charitable or other public purpose, and whether such receipts be for partial payments or in full payment of the land.

Section 18 of the said Act extended to sales of all lands of which the legal estate is in the Crown and which are sold by any Department of the Government.

Location Tickets to confer certain legal rights on the nominees.

Proviso.

III. And be it enacted, That Location Tickets or Licenses of Occupation for Crown or other Public Lands, given by the Commissioner of Crown Lands, or by any authorized Agent of the Department of Crown Lands, shall also bear date on the day on which they are actually signed, and shall in like manner authorize the nominees thereof to take immediate possession of the lot or lots therein described, and as long as the said Location Ticket or License of Occupation be not revoked by an Order in Council, to maintain suits in law or equity against any wrongful possessor or trespasser on such land, as fully and effectually as if the Patent Deed had issued on the day of the date of such Location Ticket or License of Occupation. Provided always, that the production of such Location Tickets or Licenses of Occupation shall be *prima facie* evidence of their genuineness for the purposes of maintaining such suits as aforesaid.

IV.

IV. And be it enacted, That all claims to scrip or land, whether of minors or others, and whether founded upon Orders in Council or other regulations shall be established to the satisfaction of the Governor in Council, within one year after the passing of this Act, or in default thereof they shall be for ever forfeited: Provided always, that it shall be lawful for the Governor of this Province, by and with the advice of His Executive Council, to receive and satisfy the claims of such person or persons who being entitled to lands were prevented from receiving scrip for the same by reason of such claims not having been presented to the Government prior to the first day of January, one thousand eight hundred and forty-three, if such applications be made within nine months after the passing of this Act. Provided also, that the lands purchased from the Indians, and known as the "Huron Tract," shall not hereafter be granted to claimants nor sold for scrip, but that the same shall be withheld from sale, until the provisions of the Act passed during the present session appropriating one million of acres of land to Common School purposes, shall have been complied with so far as relates to the setting apart of the said million of acres.

Claims to land or scrip on orders in Council, to be established within one year.

Proviso: Governor in Council may receive certain claims.

Proviso: Huron Tract not to be sold for a certain time.

V. And be it enacted, That all lands upon the grant of which fees were payable, and which fees are now due, or upon which settlement duties remain to be performed or the performance of such settlement duties to be proved, shall be forfeited at the end of two years from the passing of this Act, unless such fees shall be duly paid, and such settlement duties duly performed, and the performance thereof proved to the satisfaction of the Governor in Council within the said period: Provided always, that nothing in this Act contained shall be held to apply to free grants of fifty acres, made upon the lines of public roads, as provided by the twenty-sixth section of the Act hereby amended.

Forfeiture of lands on which monies remain unpaid or settlement duties unperformed.

Proviso as to free grants on certain Roads.

VI. And be it enacted, That it shall and may be lawful for the Governor to appoint one or more Agent or Agents for the sale of Public Lands in each Municipal District or County, or for such locality or localities as may be deemed advisable, or to appoint an Agent to act for one or more Municipal Districts, Counties or localities, and from time to time to revoke any or all of such appointment or appointments, and to make and alter such further regulations as may be deemed expedient and proper for the guidance and direction of the Agents so appointed or to be appointed under the authority of this Act, or of the Act hereby amended, and to make such alterations in the Crown Lands Department as may be deemed necessary and expedient for the better and more efficient management thereof.

More than one agent may be appointed for one locality or more than one locality assigned to one Agent.

Other alterations may be made in the C. L. Department.

VII. And be it enacted, That whenever a Patent shall have been erroneously issued in consequence of any clerical error, incorrect return of an Agent, or wrong description of the land thereby granted or intended to be granted, it shall and may be lawful for the Governor in Council, upon the Report of the Commissioner of Crown Lands thereon (there being no adverse claim), to direct the defective Patent to be cancelled, and a correct one to be issued in its stead, which said corrected Patent shall relate back to the date of the one so cancelled, and be construed to have the same legal effect as it would have had, had it borne the same date as such cancelled patent.

Patents may in certain cases of error be cancelled by the Governor in Council and others issued.

VIII. And be it enacted, That the duties imposed upon Her Majesty's Commissioner of Crown Lands by the thirtieth section of the Act hereby amended, for the registration of assignments of located claims, shall be held to extend to the registration of assignments of

Certain provisions of Sect. 30, extended to assignments

before or after the said Act, &c.

Proviso: assignments must be unconditional.

Proviso as to receiving affidavits.

of claims located subsequently as well as previously to the passing of the said Act; and that all assignments of such locations in Lower-Canada executed before Notaries, or before one Notary and two witnesses, shall be deemed sufficient, and shall be registered accordingly; Provided always, that all assignments contemplated by this or the amended Act shall be unconditional; Provided also, that all Commissioners for taking affidavits in the Queen's Bench shall have the same power and authority for administering oaths in matters relating to the Crown, Clergy, and School Lands, as are now exercised by Justices of the Peace.

Commissioner of C. L. to cause lists of lands in arrear to be advertised, and the lands to be sold after a certain time.

IX. And be it enacted, That it shall be the duty of the Commissioners of Crown Lands, as soon after the passing of this Act as circumstances will permit or render expedient, to cause to be prepared, lists of any of the Public Lands under his management already sold or leased or which may hereafter be sold or leased, and upon which arrears of one or more instalments or of one or more years' rent have already or may hereafter accrue, and to direct sales to be made thereof on any specific day to be named, after a notice of not less than thirty days, and one publication at least in the *Canada Gazette*, and a local or District newspaper, published in the County or District in which such Lands shall be situated, and when no newspaper shall be published in such County or District, then such publication shall be made in a newspaper in the District or County next adjoining.

Such lists to be previously submitted to the Governor in Council, who shall fix prices, &c.

X. And be it enacted, That it shall be the duty of the said Commissioner before publishing any such list to submit the same for the consideration and approval of the Governor in Council, who shall establish the price and conditions upon which the said Lands shall be offered; and lots which shall not meet with purchasers at the upset price on the first day of sale, shall thereafter become disposible by the local Agent in the same manner as other advertised Lands, subject to such modification of price and terms as may from time to time be deemed proper by the Governor in Council, to the first applicant who complies with the conditions required, the first locatee excepted, who shall in no case be allowed to re-purchase at private sale, unless paying up the whole of the arrears due with interest up to the date of such sale.

Sale not to be to the former locatee unless he pay in full.

No such sale within six months.

Proviso: lot to be withdrawn on payment in full by locatee.

What shall be held to be compliance with the terms of purchase or lease.

XI. Provided always, and be it enacted, That no sale shall be made under the provisions of this Act, until after the expiration of six calendar months from the passing thereof: And provided further, that if the original locatee or purchaser of any lot so advertised for sale, shall at any time before the day of sale pay one of the instalments due on the said lot with interest accrued thereon, then it shall be the duty of the Commissioner of Crown Lands to withdraw the said lot from the intended sale; and the said original locatee or purchaser shall be held to comply with the conditions of his purchase or lease so long as he continues to pay yearly one of the instalments due with interest, or three years' rent or interest for lots on lease or on quit rent, otherwise the lot shall again be liable to be sold as aforesaid, for the remaining instalments due.

Copies of field notes of certain surveys to be deposited in the Registry offices.

XII. And be it enacted, That the Commissioner of Crown Lands shall with all convenient speed cause to be prepared and deposited in the Register Office of each County in Canada, correct copy of the Field Notes of the original surveys of each and every Township, in such County, and shall endorse on each copy a certificate signed by himself of the correctness thereof.

XIII.

XIII. And be it enacted, That in all and every of the Courts of this Province, a copy certified by the said Registrar under his hand shall be received and held as *prima facie* evidence of the contents of the said Field Notes, without the production of the originals thereof, or of the copies so deposited with the Registrar as aforesaid.

Effect of copies certified by the Registrar.

XIV. And be it enacted, That the words "Commissioner of Crown Lands" in this Act, or in any other Act relating to the administration of the Public Lands of this Province, shall also be held to mean the Assistant-Commissioner of Crown Lands, or any other Officer duly commissioned to perform the duties assigned to the Commissioner of Crown Lands.

Interpretation clause.

C A P . X X X I I .

An Act to provide for certain expenses of the Civil Government, and for other purposes therein mentioned.

[30th May, 1849.]

MOST GRACIOUS SOVEREIGN :

WHEREAS by Messages from His Excellency, The Right Honorable James, Earl of Elgin and Kincardine, Governor-General of British North America, and Captain-General and Governor in Chief in and over this Province of Canada, bearing date respectively the twenty-sixth day of March, and the twenty-third day of May, in this present year, one thousand eight hundred and forty-nine, and the Estimates accompanying the same, it appears that the sums hereinafter mentioned are required to defray certain Expenses of the Civil Government of the Province for the year one thousand eight hundred and forty-nine, and for certain other public purposes for which no provision is now made by Law: May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and out of any unappropriated monies forming part of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum not exceeding one hundred and seventy-nine thousand four hundred pounds, fourteen shillings and two pence, currency, for defraying certain expenses of the Civil Government of this Province, for the year ending on the thirty-first day of December, one thousand eight hundred and forty-nine, not otherwise provided for by Law, and for certain other public purposes and services specified in the Estimates accompanying the Messages above mentioned, and voted by the Legislative Assembly.

Preamble.

His Excellency's messages of 26th March, 1849, and 23d May, 1849, recited.

Appropriation of £179,400 14s 2d for expenses of the Government for 1849, and certain other purposes.

II. And be it enacted, That it shall be lawful for the Governor in Council, to raise by way of loan on the credit of the Consolidated Revenue Fund of this Province, and to apply for the purpose of defraying the expenditure to be incurred for the completion of certain Public Works mentioned in the said Messages and Estimates, a sum not exceeding seventy-one thousand, four hundred and ninety-four pounds, six shillings and four pence currency; and for the purpose of raising such sum as aforesaid, it shall be lawful for the Governor in Council to authorize the issue of Debentures to an amount

£71,494 6s. 4d. appropriated for completing certain public works.

The said sum to be raised by

amount