

As to appeal-  
able cases.

may be prosecuted and dealt with in the Court where it commenced as if the limits of such Circuit had not been changed; and if any new appealable cases are returnable on a day when the Court is not in session, they shall be treated in all respects as if returnable on the first day of the sitting of the Court which shall occur after the issue of the Writ in such cases, as fixed by this Act.

Concurrent  
jurisdiction of  
certain Cir-  
cuits.

Proviso:  
Option in favor  
of Defendant.

XI. The new Circuits (Eastern and Wolfe) created by this Act, shall not prevent or restrict the jurisdiction of the Sherbrooke Circuit, but the last mentioned Circuit shall have concurrent jurisdiction with such new Circuits over the limits assigned to the said new Circuits; Provided nevertheless that when any defendant residing in such new Circuits who shall be sued in the Sherbrooke Circuit shall, before making defence to the action, declare his option to have the suit proceeded with in the Circuit where he resides, by filing a declaration to that effect with the Clerk of the Circuit Court for the Sherbrooke Circuit, at his office, and praying *acte* thereof, the said Clerk shall immediately remit the record in such cause to the office of the Clerk of the Circuit Court within the limits of which such defendant resides, and such suit shall be proceeded with and terminated in the said last mentioned Circuit.

Commence-  
ment of Act.

XII. This Act shall take effect from and after the first day of August, one thousand eight hundred and fifty-five, but a Clerk for each of the said new Circuits may be appointed by the Governor at any time before or after that day.

## C A P. C L X V I I .

An Act to alter the Tenure of the Indian Lands in the Township of Durham.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS an extent of eight thousand four hundred and ninety acres of land, in the Township of Durham in Lower Canada, was granted in the year one thousand eight hundred and five, to divers Indians, for them and their legal successors, under and by virtue of Letters Patent issued under the hand and seal of Sir Robert Shore Milnes, at that time Lieutenant Governor, on the condition that they should settle thereon and be incapable of selling, alienating, or even leasing the said Lands; And whereas the said Indians, or their legal successors or representatives, have in certain cases sold, leased or alienated all their rights in respect of such lands, for fixed sums or ground rents, and have all abandoned the said lands after having so conveyed them; And whereas the parties to whom such lands were so conveyed, have cleared and improved the same, erected buildings thereon and made agricultural settlements thereof, of great value, and doubts which have arisen respecting the legality of such transactions are a great obstacle

obstacle to the further progress of the said settlements, and it is desirable, both in the interest of the Indians who do not reside any more on the said lands, and in that of the public of the said locality, that the said transactions should be rendered legal, in order to secure a just compensation to the former, and incontestable titles to the parties now in possession of the said lands: Be it therefore 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, as follows:

I. All conveyances, sales, promises of sale or emphyteotic leases in respect of the said lands by the said Indians, their successors or legal representatives, shall hereafter be considered as having been made by persons legally qualified to lease, alienate, sell, cede and convey their property, notwithstanding any thing to the contrary contained in the Letters Patent of such lands; provided always, that an annual ground rent of not less than twelve dollars for each lot of two hundred acres shall have been stipulated in favor of the Indian to whom any such lot of land was originally granted, or of his heirs or legal representatives: And provided also, that if any dispute shall arise in regard to the said lands between the said Indians and the parties who have purchased or leased, or may hereafter purchase or lease the same, such dispute shall be referred to the Superintendent General of Indian Affairs, and his decision thereon shall be final and conclusive.

Emphyteotic lease, &c., by Indians, declared legal.

Proviso.

Proviso.

II. Any purchaser of any lot or part of a lot of the Indian Lands in the Township of Durham, now in possession of the same, may, if he thinks fit, redeem the rent attached to such land or lot of land by any instrument within the provisions of the preceding section, and payable to the Indians or their legal representatives, by paying the capital thereof, at the rate of six per cent. to the Superintendent General of Indian Affairs, who is hereby authorized to receive every such deposit and give a receipt therefor, according to Schedule A of this Act.

Purchasers in possession of lots may redeem the rent attached thereto.

III. Every such receipt, after the enrolment thereof in the Registry Office of the County of Drummond, shall be equivalent to a title under Letters Patent of the Government, and shall discharge every such lot or part of a lot designated in such receipt, from all rents or other charges which may have theretofore been payable on the same in favor of the Indian or Indians to whom such lands were granted by the Government.

The receipt given for the redemption money equivalent to a title under Letters Patent.

Superintendent of Indian affairs to keep account of moneys deposited.

IV. The said Superintendent General of Indian affairs shall keep an account of all sums deposited in his hands, and shall pay the interest thereon annually to the Indians, their legal representatives or assigns according to the proportion to which they are entitled in respect of such property.

Provision in case any Indian has sold the rent attached to land.

V. In any case in which one or more of the aforesaid Indians shall, prior to the first day of January, one thousand eight hundred and fifty-five, have sold the rent attached to such land, the party who shall have *baná fide* and for a valuable consideration purchased the same, shall be entitled to be reimbursed the sum which he may have paid to such Indian or Indians as and for the purchase money of such rent, or the sum so paid shall be deducted from the capital which he shall have to pay for the redemption of the said rent.

Act not to affect other claims to the lands.

VI. Nothing in this Act contained shall have the effect of determining in any manner the merits of conflicting titles of parties having claims to the said Indian lands in Durham, or of rendering valid contract made by any parties with any others than the Patentee or Patentees or his or their heirs or representatives.

Public Act.

VII. This Act shall be deemed a Public Act.

#### SCHEDULE A.

I hereby certify that \_\_\_\_\_, now in possession of \_\_\_\_\_, in the \_\_\_\_\_ range of the Township of Durham (*here give description of the lot or part of lot occupied by the person to whom the receipt shall have been given, if a whole lot, or the one half of a lot is in question, it shall be sufficient to describe it by the numbers of the lot and range, but if a smaller part than one half be referred to, the limits and bounds must be set forth*) has, this day, paid to me the sum of \_\_\_\_\_, being the capital of a ground rent attached to the said lot or part of lot of land, and that the said sum has been paid to me for the purpose of redeeming the said land from all rent as provided by the Act intituled, *An Act to alter the Tenure of the Indian Lands in the Township of Durham*, and to avail him as in law may appertain.

Done in duplicate, at *Quebec*, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.

A. B.,  
Chief Superintendent of  
Indian Affairs L. C.