

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 56

An Act to extend the period for payment of Fees on Crown Patents, and for other purposes therein mentioned. 30th August, 1851.

Whereas by the fifth section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *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*, it was declared That all lands upon the grant of which fees are now due, or upon which settlement duties remain to be performed, or the performance to be proved, should be forfeited, unless such fees were paid, and such settlement duty performed, and the performance thereof proved to the satisfaction of the Governor in Council, by the thirtieth day of May, eighteen hundred and fifty-one; And whereas there is good reason for believing, that in consequence of the said Act not having obtained sufficient publicity, many persons are in danger of being injuriously affected by the provisions thereof: 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, That no forfeiture of such lands shall take place in regard to any located lands with reference to which the Governor in Council may not have already taken action with a view to their resumption in consequence of non-occupation and improvement, provided that payment of such fees be made, and also provided that satisfactory proof as respects the performance of settlement duties, and the fulfilment of the conditions which pertained to each location having been made, be furnished to the Commissioner of Crown Lands by the first day of August, which will be in the year of our Lord, eighteen hundred and fifty-two: Provided always, that it shall be lawful for the Governor of this Province, by Proclamation to be published in the Canada Gazette, to extend from time, to time as he may think fit, the provisions of this and the subsequent section.

II. And be it enacted, That from and after the first day of August, one thousand eight hundred and fifty-two, such locations as the fees shall not have been paid upon, and with regard to which there shall be failure of proof of performance of settlement duties and fulfilment of the conditions, as mentioned in the next preceding section, shall cease to exist as locations, and such persons as may be in occupation, or may have improved thereon, shall in no other way receive Patents than as purchasers, upon such terms as the Governor General in Council, or others duly authorized by the Governor General in Council, shall recommend and adjudge.

III. And be it enacted, That nothing contained in the second section of this Act shall be construed to have the effect of restoring or confirming any locations contained in a certain Schedule of unpatented lands published by the Commissioner of Crown Lands, and bearing date the fourth

day of April, eighteen hundred and thirty-nine, which were found upon inspection unoccupied and unimproved, and in regard to which the Governor General has not admitted the claims of any persons who have asserted claims thereto, either as original locatees, or as deriving claim from them, but that such lands shall be set apart for sale, and be disposed of as ordinary Crown Lands, except in cases where the Governor in Council may consider applicants equitably entitled to obtain original locations, or they shall prove themselves to be entitled to pre-emption in purchase, or where any lot in such list shall be found not to have been subject to settlement duties.

IV. And be it enacted, That any person whose right to obtain a Patent for lands has been, or hereafter shall have been established by any Commission under and by virtue of the Act passed in the eighth year of Her Majesty's Reign, and commonly known as the "Heir and Devisee Act," may, by an instrument in writing, assign, transfer and convey his right and interest to, or in the land to which he has or shall have established his right as aforesaid, and such assignment, as well as all subsequent assignments, shall or may be registered, agreeably to the provisions of the thirtieth section of the Act passed in the session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for the disposal of Public Lands*; and the last Assignee shall be entitled to a Patent upon proving compliance with all the conditions to which the original location was subject.

V. And be it enacted, That nothing contained in the third clause of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, Chapter one hundredth, shall be taken to prevent the issue of Patents for any lands duly located under Certificates of the Adjutant General of Militia under the Honorable Colonel Talbot, under the Land Boards instituted in the year one thousand eight hundred and nineteen, and under the Military Settling Department, but that the parties so located or their Assignees, Devisees or Heirs, shall receive Patents, without it becoming necessary that their locations shall be confirmed by Order in Council, upon proof being furnished to the Department of the Commissioner of Crown Lands, in the form required by this Act, that the conditions, which attach to such locations, have been complied with and upon payment of the Patent fees on such locations, as such Fees are chargeable thereupon; excepting such cases only as, with respect thereto, there may be conflicting claims, and such conflicting claims shall be decided upon by the Governor General in Council.