

*Laws of Her Majesty's Province of United Canada*, passed in the year 1856. Quebec: Stewart Derbyshire and George Desbarts, 1856.

20 Victoria – Chapter 4

**An Act to change the tenure of the Indian Lands in the Township of Durham. Assented to 21st April, 1856.**

Whereas 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 of 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 the doubts which have arisen respecting the legality of such transactions are a great 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; And whereas the Act passed in the eighteenth year of Her Majesty's Reign, and chaptered one hundred and sixty-seven, is insufficient for the object intended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- I. The Act intituled, *An Act to alter the Tenure of the Indian Lands in the Township of Durham*, is hereby repealed.
- II. 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 ten 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 should any contestation arise with respect to the said lands between the said Indians and the parties who have purchased or leased or who shall hereafter purchase or lease the same, such contestation shall be referred to the Superintendent General of Indian Affairs, and his decision in the matter shall be final and conclusive.
- III. 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.

IV. Every such receipt, after the enregistration 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.

V. 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.

VI. 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 *bonâ 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.

VII. 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 contracts made by any parties with any others than the Patentee or Patentees, or his or their heirs or representatives.

VIII. 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 a 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 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 change the tenure of the Indian Lands in the Township of Durham, and to avail him as in law may appertain.

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

A. B.,

Superintendent General of Indian Affairs.