

CROWN LANDS DEPARTMENT.

Cap. 11—Constitutes a department of Crown Lands, to be presided over by a Commissioner and an Assistant Commissioner, subordinate to him or discharging the duties of Commissioner in case of vacancy or the absence of that officer. The Department of Surveyor General is consolidated with that of Crown Lands, the Commissioner to do the duties or appoint a person for that purpose. The L. G. appoints officers and agents under the act, to be paid as L. G. in C. may direct. The Province is divided into 17 agencies, viz.—The Coulonge, Gatineau, Petite Nation, Magog, St. Francis, Arthabaska, Chaudiere, Montmagny, Grandville, Rimouski, Bonaventure, Gaspe, Saguenay, Lake St. John, St. Charles, St. Maurice and L'Assomption agencies, the L. G. from time to time to determine or change limits. The Assistant Commissioner and agents, &c., must give security. No resident agent can buy or acquire pecuniary interest in lands he is appointed to sell, without special leave and then only 200 acres. Doing so, he forfeits his office and \$400. The Commissioner reports annually to the legislature. Agents are to sell and locate lands, grant timber licenses, settle disputes, collect arrears due, inspect lands and protect them from trespassers. The Act may be extended by the L. G. and C. to Jesuits' Estates, Crown domain or the reigny of Lauzon. May also make O in C. for carrying it out, to be published in *Official Gazette* and other newspapers, and laid before legislature, and may withdraw from sale and set apart as timber lands, such as, on inspection, are found valuable for timber, but unfit for agricultural colonization. Old claims for land are to be settled by the Commissioner, by grant of land or issue of scrip; but no claim on account of militia, or the U. E. loyalist, or military grants, shall be recognised unless established before 14th June, 1853, and no scrip or certificate will be recognised if issued before that date, and not proved valid before 1st January, 1862. Free grants upon new roads may be made to settlers not exceeding 100 acres. Lands may be reserved for sites of wharves, piers, market places, gaols, court houses, public parks or gardens, town halls, hospitals, places of worship, cemeteries, schools, agricultural exhibitions, model or industrial farms and other like purposes, and free grants made thereof in trust, not to exceed 10 acres, except for industrial or model farms, then 100 acres. The Commissioner may issue licenses of occupation, which will enable a licensee or his assignees, if assignment be duly registered, to maintain his exclusive right of occupation against all others, but not against holder of prior license to cut timber. Licenses of occupation, certificates of sale or location tickets issued before 23rd April, 1860, and not rescinded will have the same effect. The Commissioner shall keep a book in which assignments of such rights of occupation must be registered whenever produced, duly attested for that purpose: but such assignment must be unconditional, and the conditions of the grant must have been complied with, unless dispensed with by the Commissioner. Certificate of registration is to be written on assignment produced. Priority of registration makes valid an assignment against a previous one not or subsequently registered. An heir, devisee or assignee of a nominee of crown, may make proof and take out patents. Grants, sales leases or licenses of occupation may be cancelled by the Commissioner for fraud, imposition, non-fulfilment of conditions, or error, and possession of land resumed by government. The Commissioner may obtain from a Superior Court judge in the circuit wherein land lies, an order in nature of a writ of possession, to put himself or any person designated by him in possession, and eject any occupier under any title so cancelled, or without a title. All notices required to be given or acts done under any law or deed, by the Crown, may be done by, or by authority of the Commissioner. In case of clerical errors in a patent it may be cancelled and a new one issued if there is no adverse claim. Where two or more patents have issued for the same land, or creating conflicting or inconsistent claims, the Commissioner may compensate the party injured by return of the purchase money with interest, by grant of other land or issue of scrip. In case of deficiency in the quantity of land of one-tenth or more, owing to error in survey and plans of department, the Commissioner may afford similar redress. Application in either case must be made within 5 years of discovery of error. Whenever a patentee has obtained patent by fraudulent suggestion, by concealment of some material fact, or he or those claiming under him have violated terms of patent or forfeited their rights under it; or where patent has been issued by mistake or in ignorance of some material fact, the Superior Court may, on information of law officers of the Crown, cancel it, by *scire facias* or suit in ordinary form. Articles 1038 and 1039 of the Code of Civil Procedure are repealed. Lists of lands for sale are to be published from time to time. The Commissioner must send each year to the Sec. Treas. of each county municipality a list of lands disposed of but for which patents have not issued. They become liable to taxes from the date they are so disposed of. Any person buying them at a sale for taxes takes only such rights in them as government has conceded. Commissioner also sends to the same and to Registrars a list of patents and other titles cancelled. After cancellation the lands cease to be taxable. The Provincial Registrar sends to both officers annually a list of lands patented. Affidavits required under the Act may be made before the usual officers and magistrates, and the C.C.L., A.C.C.L., any officer or agent of the C.C.L., or any land surveyor appointed by the Crown to make inquiry. Any gore may be attached to an adjacent township by proclamation of the L. G. Copies of records or documents attested by the Commissioner or Assistant Commissioner, are evidence like originals. Employees of the department may not traffic in public lands or scrip, or take fees for official labour. The title to such lands to be annulled and employee to forfeit office and \$400. An agent falsely informing a party applying for land that it is already disposed of, becomes liable to the applicant for \$5 per acre of such land, but the agent may, in his discretion, decline to locate or dispose of such land to such applicant, reporting the fact, and his reasons within 8 days to the Commissioner; failing this, he incurs the above penalty. Hindering bidding at a public sale of lands is punishable by fine of \$400 and 2 years imprisonment. The failure by patentees to take and register oaths, or to perform settlement duties required by patents heretofore issued, is not to invalidate the titles of subsequent purchasers. Proceedings under previous Acts are saved, and 23rd Vic. cap., 2 as respects Quebec, is repealed.

Cap. 12—Declares the C.C.L. always had a right to issue annual timber licenses, and therefore regulations sanctioned by the L. G. in C. on 2nd October, 1863, are valid. It authorizes the court to receive back the whole of any limits or timber berths, held under licenses anterior to that date (but not a part,) and cancel licenses within two months of the passing of this Act.