



BY AUTHORITY.

ANNO QUADRAGESIMO SECUNDO VICTORIÆ REGINÆ.

CAP. IV.

An Act relating to Free Grants of Crown Lands.

Passed 15th April 1879.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Governor in Council is hereby authorized and empowered to select and set apart certain Tracts of the Crown Lands of this Province suitable for settlement or cultivation, and cause public roads to be made to and through the same when selected.

2. Such tracts shall be surveyed and laid off into lots of one hundred acres each, having a front on such roads; and the said lands so selected, surveyed and laid off, shall be reserved for actual settlers.

3. Whenever any Association of ten persons, or of a less number than ten in the discretion of the Governor in Council, shall make application to the Governor in Council, declaring their intention of becoming actual settlers under the provisions of this Act, in any tract set apart under Section one of this Act, and in which no allotments are made at the time of such application, each associate or applicant shall have a lot allotted to him in such tract; and after the first allotment in any tract under this Section, or any Act heretofore in force, the provisions hereof shall extend to any person subsequently applying for a lot in said tracts.

4. Free Grants of such lots may be made to such persons as may become actual settlers under this Act and the Regulations from time to time made under the authority hereof.

5. The person to whom any land may be assigned or allotted under this Act (hereinafter called the Allottee) for a Free Grant thereof, shall be considered as located for said land within the meaning of this Act, so soon as the approval of his application therefor shall be published in the Royal Gazette.

6. No person shall be allotted or assigned any land under this Act or any Regulations hereunder, unless such person shall be of the age of eighteen years or upwards, nor shall any person be assigned any greater quantity than one hundred acres.

7. Before any person shall be allotted or assigned any land under the provisions of this Act, such person shall make Affidavit to be deposited in the Crown Land Office, that he has no real estate, that he has not been assigned or allotted any land under the provisions of this Act, or under Chapter fourteen of The Consolidated Statutes, that he is of the age of eighteen years or upwards, and that such land is desired for his own benefit, and for the purpose of actual settlement and cultivation, and not directly or indirectly for the use and benefit of any other person or persons whatsoever, and not for the purpose of obtaining or disposing of any of the trees growing thereon, before he obtains permission therefor.

8. No Grant shall issue for any land allotted or assigned under this Act or any Regulation made hereunder, until the Applicant or those claiming under him shall have performed each of the following settlement duties or conditions, viz:—
The Allottee shall—

First—Commence chopping, clearing and improving on the lot assigned to him within one month after publication of his approval, and shall within three months after the publication of such approval, improve as aforesaid on his lot to the value of twenty dollars.

Secondly—Within one year from such publication build a house thereon, fit for habitation, of not less dimensions than sixteen feet by twenty, and reside therein, and shall chop down and cultivate not less than two acres by sowing or planting the same.

Thirdly—Chop down, cultivate and clear not less than ten acres within three years from such publication, and shall each year actually and continuously cultivate all the lands chopped down during such three years.

Fourthly—Reside actually and continuously upon such land for the term of three years next succeeding such publication, and thence up to the issue of the Grant, except that absence during the months of July, August, January, February and March in any year, shall not be held to be a cessation of such residence, provided such land be cultivated as aforesaid.

Fifthly—Compliance with the first, second and third conditions above mentioned, within a less period than three years, and actual residence up to the time of such compliance, shall entitle such Allottee to a Grant. On failure in the performance of any of the settlement conditions and duties in this Section mentioned, the allotment shall be forfeited, and all right of the Allottee, or any one clearing under him, in the land shall cease.

9. No claim for improvements by any Allottee whose lot is forfeited shall be allowed, except for buildings, the reasonable value of which shall for two years be a charge upon the lot, and shall be paid for by any other person applying therefor within that time before such lot shall be allotted to such applicant.

10. All trees growing or being upon any lots so assigned or allotted as aforesaid, shall be considered as reserved from the said allotment, and shall be the property of Her Majesty, except that the Allottee, or those claiming under him, may cut and use such trees as may be necessary for the purpose of building, fencing or fuel on the land so allotted, and may also cut and dispose of all trees actually required to be removed in *bona fide* clearing said land for cultivation; and no trees (except for necessary building, fencing and fuel as aforesaid) shall be cut beyond the limit of such actual clearing, before the issuing of the Grant, unless license for cutting the same be obtained, and such license may be obtained by the Allottee after compliance with settlement conditions numbers one and two, upon such terms and to such extent as may be prescribed and authorized by the Governor in Council; but any trees cut (except as aforesaid) without such license may be seized and forfeited in like manner as trees cut without license upon ungranted Crown Lands.

11. Any Allottee or any person claiming under him, may maintain an action of trespass for any injury done to the land so allotted to him, or his interest therein, while entitled to possession thereof under the provisions of this Act; but nothing herein contained shall be construed to interfere with the rights of the Crown to seize any trees cut in violation of the provisions of this Act or any Regulation made hereunder.

12. If the Allottee die intestate before the issue of the Grant, all his right and interest to such lands shall vest in his Widow if he leave one surviving him, but if not, then in his heirs.