

**An Act to provide for Free Grants to actual
Settlers on Crown Lands**

Passed 11th April 1872

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows: –

1. This Act shall be called “The Free Grants Act 1872,” and may be so cited in all acts or proceedings whatsoever.
2. The Lieutenant Governor in Council is hereby authorized and empowered to select and set apart certain tracts of the Crown Lands in this Province suitable for settlement and cultivation, and cause public roads to be made to and through the same, when selected.
3. 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.
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 thereof.
5. The person to whom any land may be assigned or allotted under the provisions of this Act (hereinafter called the Locatee) 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 of this Province; and upon such publication, a certificate in such form as may be prescribed, to be called a “Location Ticket,” shall be issued to the applicant by the Surveyor General, a record of which shall be kept in the Crown Land Office.

6. No person shall be allotted or assigned any land under this Act, or any Regulations thereunder, unless such persons shall be of the age of eighteen years or upwards; nor shall any unmarried person be assigned any greater quantity than one hundred acres; married persons having two or more children under the age of eighteen years may be assigned any quantity not exceeding two 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, that he is of the age of eighteen years and upwards, and that such land is desired for his own benefit, and for the purpose of actual settlement and cultivation, and not either 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 thereunder, until the applicant or those claiming under him shall have performed each of the following settlement duties or conditions, viz: – The locatee shall

First – Commence chopping, clearing and improving on the lot assigned to him within one month after publication of his approval.

Secondly – Build within one year from such publication a house thereon, fit for habitation, of not less dimensions than sixteen feet by twenty, and shall chop down and cultivate not less than three 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 after each year actually and continuously cultivate all the land 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.

On failure in the performance of any of the settlement conditions and duties in this Section mentioned, the Location Ticket shall be forfeited, and all right of the locatee, or any one claiming under him in the land, shall cease.

9. No claim for improvement by a locatee 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 applicant within that time, before such lot shall be located to such applicant.

10. All trees growing or being upon any lots so assigned as aforesaid, shall be considered as reserved from the said location, and shall be the property of Her Majesty, except that the locatee, 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 locatee after compliance with settlement conditions numbers one and two, upon such terms as may be prescribed by the Lieutenant 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 locatee, or any person claiming under him, may maintain an action of trespass for any injury done to the land so located to him, or 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 thereunder.
12. If the locatee die intestate before the issue of the grant, all his rights and interest to such lands shall vest in the widow if he leave one him surviving, but if not, then in his heirs.
13. Neither the locatee, nor any one claiming under him, shall have power to alienate, (otherwise than by devise), or to mortgage or pledge any land located as aforesaid, or any right or interest therein, before the issue of the grant; and no land located as aforesaid, nor any interest therein, shall in any event before the issue of the grant thereof, be or become liable to the satisfaction of any debt or liability contracted by the locatee, his widow, heirs, or devisees.
14. Nothing in this Act contained shall be construed to exempt any such land from levy or sale for rates and taxes now or hereafter legally imposed upon the locatee thereof, or any person claiming the same under him.
15. The Lieutenant Governor in Council may cause to be erected on any tract selected under the second Section of this Act, a building suitable for the temporary accommodation of any immigrants that it may be deemed advisable to colonize on any such tract, such building to serve as a residence for such immigrants until they build houses for themselves, upon lots to be located to them under the provisions of this Act, and may aid any locatee under this Act in chopping and clearing his lot, by an appropriation

of not exceeding fifteen dollars, so soon as he shall have chopped down and piled for burning two acres thereof; but no immigrant shall be entitled to reside in such temporary residence for a longer period than fifteen months.

16. So soon as such building shall, in the opinion of the Lieutenant Governor in Council, have served the purpose for which it is to be erected, it may, together with the one hundred acre lot on which it stands, be granted to the Trustees of the School District in which it is situated, in trust for the benefit of the Schools of the District, or other public purposes.
17. The Lieutenant Governor in Council is hereby authorized to appoint any agents, and to make any regulations necessary to carry out the provisions of this Act.