L. S.

BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

* *

NO. 40.

An Ordinance to provide for the settlement of all outstanding questions relating to the Sale of Land for Taxes in Vancouver Island.

[17*th December*, 1867.]

Preamble.

WHEREAS the Real Estate Tax Acts of the years 1860 and 1862 of the lately separate Colony of Vancouver Island and its Dependencies have been repealed;

And whereas in presumed compliance with the provisions of the said Real Estate Tax Acts certain sales of Land for and in respect of the non-payment of Taxes under the said Acts have been from time to time made, which said sales have not as yet been fully completed; and whereas doubts have arisen as to the legality of these sales, and the conditions precedent to the offering of such Lands for sale, which were and ought to have been done, performed, and fulfilled by the Sheriff of the late Colony of Vancouver Island, in respect thereof; and whereas it is expedient that such Lands should be redeemed in the interest of the persons originally owning the same, upon reasonable compensation being made to the supposed purchasers of the same or any portion thereof at such forced sales;

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

Land Tax Sales null and void.

I. All and all manner of Land sales heretofore made or contracted to be made for or in respect of the non-payment of Taxes under the said Real Estate Tax Acts and each and every of them are hereby set aside and declared to be null and void.

Purchase money with Interest how recoverable.

II. The Treasurer of this Colony, or such other person as may be appointed in that behalf by the Governor, shall repay to all purchasers of Land at such Land sales as aforesaid, on application and on due proof of identity and the fact of purchase, their respective purchase money, together with Interest on the same at the rate of Twenty-four per centum per annum, from the time of the payment of such purchase money respectively, until repayment.

Sums so paid a charge on the Real Estate.

III. The sums repaid by the Treasurer or such other person as aforesaid, and all arrears of Taxes for Land under the provisions of the Real Estate Tax Acts of the said Colony of Vancouver Island and its Dependencies, shall be charged on the Real Estate in respect of which such sums were paid, or such Taxes were and are due, and the Treasurer or other person as aforesaid is hereby authorized and required to enter such sum as charges with the Registrar of Titles to Real Estate in Vancouver Island, by giving him notice thereof, which notice may be in the Form 1, in the Schedule to this Ordinance annexed, and thereupon such charges shall be registered in the same way as other charges affecting Real Estate.

Charge how to be registered.

To form primary charge on the Estate.

IV. The sums and Taxes so due and so registered as charges as aforesaid, shall be primary charges on the Real Estate in respect of which the same are due, and shall take precedence of all charges not due or chargeable in favour of the Crown, and such charges may be levied by way of distress or sued for by the Crown, and recovered from the owner for

for the time being of the Land in respect of which such sums and Taxes shall be charged, or the occupier of such Lands, as to the Crown shall seem fit.

Tax Lists to be published.

V. It shall be lawful for the Governor at any time and from time to time hereafter, to cause a List to be made out of Taxes and sums due and chargeable on Real Estate in respect of the said Real Estate Tax Acts or of this Ordinance, and cause the same to be published in the *Government Gazette* of the Colony, once a month, in three successive months, and after the lapse of three months from the first publication thereof, the Governor may, unless the sum and Taxes due in respect of Lands shall be duly paid and satisfied, order the Lands in respect of which such sums and Taxes are due and payable as aforesaid, to be entered on by the Crown, and thereupon the same may be respectively entered on for and on behalf of the Crown, and such right of entry shall be thereupon registered with the said Registrar of Titles, by notice, which notice may be in the Form 2, in the said Schedule.

Property to become demesne Lands of the Crown.

VI. On due registration of such last mentioned notice, the Real Estate in respect of which such entry is made or deemed to be made shall be held to have passed by operation of Law into the possession of the Crown, as demesne Lands of the Crown, and thereupon all other persons shall be deemed to be lawfully dispossessed of their Title thereto, and the Crown may thereupon enter upon such Lands and hold the same until all Taxes and sums due shall be repaid out of the profits and proceeds thereof, and after full repayment thereof may reconvey such Real Estate by reconveyance, which may be in the Form 3, in the said Schedule.

When Land can be sold.

VII. In case the sum and Taxes due in respect of any Real Estate shall not be fully paid and satisfied out of any profits or proceeds thereof, within two years from the date of notice of entry with the Registrar of Titles as aforesaid, the Governor may, after notice published in the *Government Gazette* of the Colony, once a month, in six successive months, and after the lapse of six months from the first publication thereof, cause such Real Estate to be offered for Sale by Public Auction, and the same shall be sold, not by way of undivided shares, but the whole in one or more Lots.

Method of conveyance.

VIII. After such Sale a conveyance shall be given, which may be in the Form 4, in the said Schedule, and the proceeds of such Sale shall be held by the Crown for the owner thereof, subject to deduction in respect of Taxes and sums due to the Crown. In such conveyance as last aforesaid, the Crown shall be deemed to have good Title to convey, and such Real Estate shall be held to be vested in the Crown for the purpose of such reconveyance, and no purchaser shall be bound to see to the application of any purchase money in respect of such Sale; nor shall any such Sale be liable to be set aside in favour of the real owner, but such owner shall have recourse only to the proceeds of the purchase money by application to the Crown.

Interpretation Clause.

IX. In the construction of this Ordinance the words "the Crown" shall be held to mean Her Majesty the Queen, Her Heirs and Successors; the word "Governor" shall be held to mean the Governor of this Colony for the time being, or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Short Title.

X. This Ordinance may be cited for all purposes as "The Tax Sale Repeal Ordinance, 1867."

Passed the Legislative Council the 2nd day of April, A. D. 1867.

CHARLES GOOD, *Clerk.* ARTHUR N. BIRCH, *Presiding Member.*

Assented to, in Her Majesty's name, this 17th day of December, 1867.

FREDERICK SEYMOUR,
Governor.

Schedule

SCHEDULE.

Form 1.

Tax Sale Repeal Ordinance, 1867.

Description of Land.	Owner, or supposed owner, and description.	Amount due to the Crown by way of taxes, or sum paid, with dates and particulars.

The above charges are required to be registered according to the particulars here given.

Dated the day of 186 . (Signed) ——, Treasurer.

Form 2

Tax Sale Repeal Ordinance, 1867.

Description of Land.	Owner, or supposed owner, and description.	Amount due to the Crown by way of taxes, or sum paid, with dates and particulars.

Notice is hereby given that the Crown claims right of entry into the lands above described, and such right of entry is hereby required to be registered.

The day of 186 . By order, (Signed) ——

Form 3.

Tax Sale Repeal Ordinance, 1867.

This Indenture made the day of , 18 , Between Her Most Gracious Majesty the Queen of the one part and of the other part. Whereas entry by the Crown into the land and hereditaments hereinafter described hath been heretofore made for the purpose of recovery of certain sums and taxes due under the "Real Estate Tax Act, 1862." and "The Tax Sale Repeal Ordinance, 1867," which said sums and taxes are now fully paid and discharged. This Indenture witnesseth that Her said Most Gracious Majesty doth hereby grant and convey to heirs and assigns (or otherwise according to the requirements of the case) All that (describe the land reconveyed), together with (add such general words as are applicable), and all the estate right and title of the Crown thereto, To have and to hold the said lands and hereditaments hereby granted and conveyed unto the said heirs and assigns (or otherwise according to the requirements of the case) to the use of the said heirs and assigns (or otherwise as before), free and discharged of and from all sums and taxes due under the Real Estate Tax Act and Tax Sale Repeal Ordinance, above referred to.

For the Crown, [L.S.]
(insert signature and description of officer executing.)

Form 4.

Tax Sale Repeal Ordinance, 1867.

This Indenture made the day of 18 , Between Her Most Gracious Majesty the Queen of the one part, and of the other part. Witnesseth that in pursuance of the powers and authorities conferred by "The Tax Sale Repeal Ordinance, 1867," and in consideration of the sum of $ heretofore paid by the said to and for the use of Her said Majesty the Queen, Her Heirs and Successors, as the consideration money for the purchase of the land and hereditaments hereinafter particularly described, Her said Most Gracious Majesty doth hereby grant and convey to heirs and assigns (or otherwise according to the requirements of the case), All that (describe parcels), together with (add such general words as are applicable), and all the estate right, title, and title of the Crown thereto, To Have and to Hold the said land and hereditaments hereby granted and conveyed unto the said heirs (and assigns or otherwise as before), to the use of the said heirs and assigns (or otherwise as before).

For the Crown, [L.S.]
(insert signature and description of Officer executing.)

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