

The Provincial Statutes of Lower-Canada, Being the Fourth Session of the First Provincial Parliament of Lower-Canada. Quebec: William Vondenvelden, Printer to the King's Most Excellent Majesty, 1796.

36 George III – Chapter 3

An Act for the Safe Custody and Registering of all Letters Patent whereby any Grant of the waste or other Lands of the Crown lying within this Province shall hereafter be made. [30th January, 1796.]

Whereas it will be expedient, that all Letters Patent under the Great Seal of this Province, whereby any Grant of the waste or other Lands of the Crown shall hereafter be made, should be deposited and remain of record in some public office, so that recourse may thereunto readily be had, as well by His Majesty's Servants as by the Grantees in the said Letters Patent named, and by all others concerned, when and so often as such recourse shall be necessary: Be it therefore enacted by the King's most Excellent Majesty, by and with the advise and Consent of the Legislative Council and Assembly of the Province of Lower-Canada constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America; and to make further Provision for the Government of the said Province," and it is hereby enacted by the authority of the same, that all Letters Patent which shall hereafter issue under the Great Seal of this Province, whereby any Grant of the waste or other Lands of the Crown lying within this Province shall be made, shall be held and deposited in the Office of the Secretary of this Province, there to remain for ever of public record for the purposes herein after contained, and that the Secretary of the Province for the time being shall, and he is hereby empowered, authorized and required to hold and safely to keep and retain such Letters Patent at all times in his Custody against all and every Person or Persons whosoever except as is herein after excepted.

II. And be it further enacted by the authority aforesaid, that all copies of such Letters Patent so as aforesaid deposited and of record in the Office of the Secretary of this Province, which shall be duly certified to be such under the hand and signature of the Secretary of the Province for the time being, or his Deputy lawfully appointed, and proved on Oath to be a true Copy, shall be allowed in all His Majesty's Courts of Law in this Province where such Copies shall be produced, to be good and sufficient evidence of the existence of such Letters Patent, and of the Contents thereof, and shall be of the same force and effect to all intents and constructions of Law as if the said Letters Patent where in such case produced and shewn forth.

III. And whereas such original Letters Patent may be destroyed by fire and other Accidents be it therefore enacted by the authority aforesaid, that all Letters Patent which shall hereafter issue under the Great Seal of this Province, whereby any Grant of the waste or

other Lands of the Crown lying within this Province shall be made, shall be registered at full length in the Office of the Register of Enrollments within six months from the day of the date thereof; And it shall and may be lawful, and the Secretary of the Province is hereby authorized and required to deliver all such Letters Patent whereby any Grant of the waste or other Lands of the Crown shall hereafter be made, within twenty days from the date thereof, to the Register of Enrollments, to be by him registered and enrolled in manner herein after directed, and for that purpose also by him to be retained for the space of twenty days and no more. And the said Register of Enrollments is hereby empowered, authorized and required to register and enroll all such Letters Patent at full length by engrossing them seperately in one or more Skins or Rolls of Parchment, and the said Register shall in the margin of every such Registry and Enrollment insert the time of such Registry and Enrollment; and for such Registry and Enrollment shall be entitled to demand and receive of and from the Grantees in such Letters Patent named the sum of Ten Shillings for the Registry and Enrollment thereof, and no more. And the said Register shall endorse and sign a certificate of such Registry and Enrollment on such Letters Patent, and shall safely keep all and every the Skins or Rolls of Parchment wherein such Registries and Enrollments shall be made in his said Office, there to remain of Public Record, and all Copies of such Registries and Enrollments of such Letters Patent so registered and enrolled at full length, duly certified to be such, under the hand and signature of the Register of Enrollments for the time being, or his Deputy lawfully appointed, and proved on oath to be a true Copy, shall be allowed in all His Majesty's Courts of Law in this Province, in all cases where such Letters Patent shall have been destroyed by fire or other Accidents, to be good and sufficient evidence of such Letters Patent so registered and enrolled, and destroyed by fire or other accident and of the contents thereof, and shall be of the same force and effect to all intents and constructions of law as if the Enrollment of the said Letters Patent were in such case produced and shewn forth. Provided always that in case the Duties of Secretary and Register shall be executed by one and the same Person, that the said Patents shall be preserved in one Office, and that the Enrollment thereof shall be preserved in a district and seperate Office not under the same roof.

IV. And be it further enacted by the authority aforesaid, that the Secretary of the Province and the Register of Enrollments severally and respectively, shall furnish and deliver Copies of all such Letters Patent and of all such Registries and Enrollments thereof, and such certificates under their hands and signatures concerning the same as are herein before mentioned, to all and every person or persons who shall require the same, and for all such Copies shall be allowed the sum of Ten Shillings and no more for such Copy, and shall be further allowed for every search in their several and respective Offices, One Shilling and no more.

V. And be it further enacted by the authority aforesaid, that if any Secretary of this Province or Register of Enrollments, shall neglect to perform his or their duty according to the rules and directions in this Act contained, or commit or suffer to be committed any undue or fraudulent practice in the execution of his or their said duty, then such Secretary or Register of Enrollments shall be liable to pay treble damages and full costs of suit, to any and

every person or persons who shall be injured thereby, to be recovered with costs of suit by plaint or action in any of His Majesty's Courts of Law within this province, wherein either party shall and may obtain a Trial by Jury, by whose Verdict the truth of the matter in issue and the quantum of damages sustained by the Plaintiff shall be found and assessed.

VI. And be it further enacted by the authority aforesaid, that if any person or persons shall at any time forge or counterfeit, or cause to be forged or counterfeited any such Copy or Copies of any such Letters Patent or of any such Registry or Enrollment of such Letters Patent, or of any such Certificate as is or are herein mentioned and directed, or shall publish as true or shew forth in evidence any such forged or counterfeited Copy or Copies of any such Letters Patent, or of any such Registry or Enrollment of such Letters Patent, or of any such Certificate as is or are herein mentioned or directed, knowing the same to be forged and counterfeited, and shall be thereof convicted according to the order and due course of the Laws of this Province, such person or persons, for the first offence shall incur and be liable to such pains and penalties as by the Laws of this Province are imposed and inflicted upon Persons convicted of the Crime of forgery at common Law, and if the same person or persons shall again forge or counterfeit, or cause to be forged or counterfeited any such Copy or Copies of any such Letters Patent, or of any such Registry or Enrollment of such Letters Patent, or of any such Certificate, as is or are herein mentioned or directed as aforesaid, or shall publish as true or shew forth in evidence any such forged or counterfeited Copy or Copies of any such Letters Patent, or of any such Registry or Enrollment of such Letters Patent, or of any such Certificate as is or are herein mentioned or directed, knowing the same to be forged and counterfeited, then such person or persons being thereof convicted according to the order and due course of the Laws of this Province, shall for such second Offence be, and is and are hereby adjudged to be guilty of felony without benefit of Clergy.