

III. And be it enacted, That all copies of the registries or entry made at full length of any such Letters Patent in the register hereby required to be kept for the purpose, duly certified under the hand and signature of the Registrar or of his Deputy to be such, shall be allowed and taken as authentic proof in all courts of law in this Province, and to be good and sufficient evidence of such Letters Patent so registered, and of the contents thereof, and shall be of the same force and effect to all legal intents and purposes, as if the said Letters Patent were in such case produced and filed in Court.

Certified copies of Registers to be evidence of the Letters Patent.

IV. And be it enacted, That the custody and safe keeping of all Letters Patent, whereby any public lands of the Crown in Lower Canada heretofore have been granted, shall from and after the passing of this Act be transferred from the office of the Secretary of the Province, or other functionary in whose keeping the same at present are, to the office of the Registrar of the Province, and that all copies of such Letters Patent, or of the record of such Letters Patent, duly certified under the signature of the said Registrar or of his Deputy to be such, shall be allowed and taken as authentic proof in all courts of law in this Province, and to be good and sufficient evidence of such Letters Patent, or record thereof, as the case may be, and of the contents thereof, as fully to all intents and purposes as if the said Letters Patent, whereof they are certified copies, were produced and filed in Court.

Custody of Letters Patent heretofore granted, transferred from the P. Secretary to the P. Registrar.

V. And be it enacted, That so much of the aforesaid Act, passed in the thirty-sixth year of the Reign of His Majesty King George the Third, intituled, *An Act for the safe custody and registering of all Letters Patent, whereby any grant of any of the waste or other lands of the Crown lying within this Province shall hereafter be made*, as is repugnant and contrary to the provisions of the present Act, shall be and the same is hereby repealed.

Inconsistent portions of 36 G. 3, c. 3.

VI. And be it enacted, That in all cases where any error as to the name of any intended grantee or purchaser of any public land in Lower Canada, or with respect to the number, designation or description of the lot of land purchased or intended to be granted or conveyed, or any other essential error shall be discovered in any Letters Patent whereby any such land is intended to be granted or conveyed by the Crown to any grantee or purchaser, it shall be lawful for the Governor in Council, on a representation to him made by or on behalf of the person interested, to direct the defective Letters Patent to be cancelled, and to issue in their stead new Letters Patent; which new Letters Patent shall supersede, take the place and be in the stead of the former, and be as effectual to all legal intents and purposes thenceforward for ever, as it was intended the former should have been and would be, had not such error or errors occurred therein.

How errors in any existing Letters Patent may be corrected.

C A P. X V I I .

An Act to amend the Act substituting Salaries for Fees, in certain cases, in Lower Canada.

[2d August, 1851.]

WHEREAS it is expedient to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to assign fixed Annual Salaries to certain Officers of Justice in Lower Canada, and to form a special fund out of the salaries, fees, emoluments and pecuniary profits attached to their offices*, so as to form one fund out of the emoluments of certain offices when held by the same person: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever the office of Prothonotary or Clerk of the Superior Court and that of Clerk of the Circuit Court, shall at Quebec, Montreal, Three-Rivers or Sherbrooke,

Preamble.
Act 13 & 14 Vict. c. 37, cited.

Fees, &c. of certain offices to form one fund when such

offices are held by one party.

Sherbrooke, be held by the same person or persons, then the salaries, fees, emoluments and pecuniary profits of the said two offices, while so held, shall form one fund, out of which all salaries, allowances and expenses which, without this Act, would be payable out of the fund formed by the salaries, fees, emoluments and pecuniary profits of either of the said offices, may be paid in the manner and subject to the provisions of the Act cited in the Preamble to this Act.

From what time this Act shall take effect.

II. And be it enacted, That the foregoing enactment shall have a retroactive effect as if passed on the tenth day of September, one thousand eight hundred and fifty, and the Act cited in the Preamble shall accordingly be construed as if the provision herein contained had been inserted therein.

Allowance to Prothonotary, &c. for collecting tax.

III. And be it enacted, That the Governor in Council shall have full power and authority to grant and allow to the Prothonotary, Clerk, Registrar, Sheriff or Officer authorized to collect and receive the duty or tax imposed by another Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, or imposed or hereafter to be imposed by any Order or Orders in Council under the authority of the said Act, upon the proceedings, matters and things in and by the said Act declared to be liable to such duty or tax, such sum for collecting and receiving the said duty or tax as to the Governor in Council shall seem just and reasonable, provided such allowance do not exceed the rate of two and a half per centum on the amount of such duty or tax so already collected and received, or to be hereafter collected and received as aforesaid.

CAP. XVIII.

An Act to enable Creditors to attach the effects of Debtors about to leave the Province in cases under Ten Pounds.

[2d August, 1851.]

Preamble.

WHEREAS persons often evade the payment of their just debts, in cases where they are indebted to individual creditors to an amount less than Ten Pounds, by secreting or making away with their estate, debts and effects, or by leaving the Province before judgment can be obtained against them: For the prevention thereof, Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Process of Attachment, as well in the hands of the debtor as in the hands of a third person or of third persons, (*arrêt simple*, or *saisie arrêt*, or *entiercement*) prior to trial and judgment, may issue from the Circuit Court in Lower Canada, in all cases where the sum demanded is under Ten Pounds and exceeds One Pound and Five Shillings, current money of this Province, upon the affidavit of the plaintiff or his agent to the effect that the defendant or proprietor of such estate, debts or effects, is indebted to the plaintiff in a sum exceeding One Pound and Five Shillings, current money of this Province, and that he is about to secrete, or make away with the same, or doth abscond, or is about to leave the Province to defraud his creditors; Provided always, that the Commissioners' Courts shall have the like power to issue such Process of Attachment in cases within their jurisdiction, and above the sum of One Pound Five Shillings.

Attachment before judgment may issue in cases between £1 5s. and £10, on affidavit to a certain effect.

Clerks of Circuit Courts may issue such attachment, &c.

Proviso.

II. And be it enacted, That any Clerk of the Circuit Court or Commissioners' Court is hereby authorized to receive the necessary affidavit and issue such Writs of Attachment as aforesaid, in the same manner as he is now permitted and authorized to do in cases above Ten Pounds: Provided, nevertheless, that nothing herein enacted shall prevent any Judge of the Superior Court or Circuit Court from receiving such affidavit,