

Laws of His Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbishire and George Desbarts, 1851.

14 Victoria – Chapter 16

An Act relating to Land Patents whereby any waste or other' lands of the Crown in Lower Canada are granted, and to dispense with certain formalities therewith connected, occasioning unnecessary delay and expense, and to amend a certain Act therein mentioned concerning such Land Patents. 2d August, 1851.

Whereas it is expedient that purchasers and others acquiring tracts of the public lands in Lower Canada should meet with as little delay as possible in obtaining the Letters Patent of the Crown therefor: 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 from and after the passing hereof, all Letters Patent of the Crown whereby any grant or grants of the waste or other public lands in Lower Canada shall be made, shall be delivered to the person or persons thereto entitled, a copy thereof only being previously recorded in a register to be kept for the purpose by the Registrar of the Province or his Deputy, without any other entry of the enrolment required by the third section of an Act passed by the Legislature of Lower Canada 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 the waste or other lands of the Crown lying within this Province shall hereafter be made*, such enrolment, as thereby required, being hereby dispensed with.

II. And be it enacted, That it shall be the duty of the Provincial Secretary to deliver or cause to be delivered all such Letters Patent as aforesaid, forthwith, or as soon as conveniently may be, to the Registrar of the Province or his Deputy, for the enregistration of the same as hereinabove provided, and which it shall be the duty of sn.ch Registrar, or of his Deputy, to do or cause to be done with the least possible delay, endorsing and signing, as by law provided, a certificate of such enregistration on the Letters Patent, and transmit the same to the Commissioner of Crown Lands, to be by him forwarded to the proper person.

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.

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.

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.

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.