

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

14 & 15 Victoria – Chapter 93

**An Act to explain and amend the Laws relating to the Registration of Deeds in Lower Canada.
30th August, 1851.**

Whereas in and by an Ordinance of the Legislature of the Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to prescribe and regulate the Registering of Titles to lands, tenements and hereditaments, reed or immoveable estates, and of charges and incumbrances on the same, and for the alteration and improvement of the Law in certain particulars in relation to the alienation and hypothecation of real estates, and the rights and interests acquired therein*, it was amongst other things in effect ordained and enacted, that the Registrars of Deeds for the several Deeds in the said Ordinance mentioned, should severally and respectively, before taking upon themselves the duties of their offices, enter into Recognizances in the several and respective penal sums therein mentioned, conditioned for the due and faithful performance of the said duties: And whereas, in and by an Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, intituled, *An Act to amend the Ordinance providing for the Registration of Titles to Real Property, or incumbrances thereon in Lower Canada, and further to extend the time allowed by the said Ordinance for the Registration of certain claims*, so much of the said Ordinance as provided for the establishment of a Registry Office and the appointment of a Registrar in and for each of the Districts therein mentioned, was repealed, and it was amongst other things in effect enacted, that a Registry Office should be established and a Registrar should be appointed in and of each and every County in Lower Canada; And whereas by various subsequent Acts, several of the said Comities have been divided into Districts or Divisions for the purposes of the said Ordinance and Act, and of other Acts relating to the Registration of Deeds and other documents affecting real property in Lower Canada: And whereas doubts have arisen as to whether the Registrars of and for Counties or portions of Counties as aforesaid are bound to enter into such Recognizances as aforesaid: And whereas also, the several penal sums in the said Ordinance mentioned are disproportioned to the extent and population of the Counties severally and respectively substituted to the Districts in the said Ordinance mentioned, and still more so to the extent and population of the Registration Districts and Registration Divisions into which some of the said Counties have been divided as aforesaid; And whereas it is expedient to explain and amend the said Ordinance and Acts in this and other respects: Be it therefore declared and 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 all and every of the provisions of the said Ordinance, on the subject of the Recognizances to be entered into by Registrars for Districts to be appointed under the said Ordinance, have been and are applicable to and binding upon the

Registrars of Counties and the Registrars of and for Registration Districts and Registration Divisions, appointed under all or any of the Acts cited or referred to in the Preamble to this Act.

II. And be it enacted, That it shall be the duty of every Registrar of Deeds in Lower Canada immediately after the passing of this Act, if he have not already done so, and also for every such Registrar of Deeds hereafter appointed, before taking upon himself the execution of his office, to comply with the requirements of the eighth section of the said Ordinance in this behalf: Provided always, that it shall not be necessary that the penal sum in any Recognizance to be entered into by any such Registrar shall exceed Four Thousand Pounds, if he be or be appointed Registrar of either of the Counties of Quebec or Montreal, or Two Thousand Pounds if he be or be appointed Registrar of any other County, or One Thousand Pounds if he be or be appointed Registrar of any Registration District or Registration Division, being less than a County, in Lower Canada; nor shall any Registrar or his sureties be liable henceforth, under any Recognizance heretofore entered into and now in force, for any greater amount than the penal sum which would require to be inserted in a Recognizance entered into by such Registrar after the passing of this Act; but the penal sum in any such Recognizance heretofore entered into, and now in force as aforesaid, is hereby reduced to the amount hereby fixed and prescribed for each case respectively.

III. And be it enacted, That it shall be the duty of each and every Registrar of Deeds in Lower Canada to reside within live leagues of the place in which his office is situate.

IV. And be it enacted, That any and every donation or deed of gift *inter vivos* of goods and chattels, liable to registration or insinuation, or of lands and tenements, or real or immoveable property in Lower Canada, made either before or after the passing of The said Ordinance, shall be held and deemed to be and to have been well and sufficiently registered or insinué, provided the same have been or shall hereafter be registered either by memorial or at full length in the Registry Office in, and of, and for the District, or County, or Registration District, or Registration Division, as the case may be, in which the lands and tenements, real and immoveable estates thereby given or affected were or may be situate; or if no Lands or tenements, real or immoveable estates be thereby given or affected, then in the Registry Office in, of, and for the District or County, or Registration District, or Registration Division, as the case may be, in which the Donor is described in such donation or deed of gift, *inter vivos*, as being resident at the time of the execution thereof; or if the lands and tenements, real and immoveable estates thereby given or affected, were or shall be situate in two or more Districts or Counties, Registration Districts or Registration Divisions, then in the Registry Office in, of, and for each of such Districts or Counties, or Registration Districts or Registration Divisions: Provided always, that in this latter case the registration of any such donation or deed of gift, *inter vivos*, in the Registry Office or Registry Offices in, of, and for any one or more of such Districts or Counties, or Registration Districts or Registration Divisions, shall be held and deemed to be and to have been good and valid, and effectual so far as respects any lands and tenements, real and immoveable estates thereby given or affected, which may have been or may be situate in such District or County, or Registration District or Registration Division, although the same may be null and void for want of registration as to lands and tenements, real and immoveable estates situate in another District or County, or Registration District or Registration Division, or in other Districts or Counties, or Registration Districts or Registration Divisions, as the

case may be; but no such donation or deed of gift *inter vivos*, so heretofore or hereafter registered as aforesaid, shall be held or deemed to be null and void for want of having been also registered at the place or places, and in the manner required by the laws in force in Lower Canada at the time of the passing of the said Ordinance; any law, usage or custom to the contrary notwithstanding: Provided always, that nothing in this Act contained shall operate to the prejudice of rights acquired by these parties by the laws in force at the time of the passing of this Act, in respect of lands and tenements, or real estate given by each and every donation or deed of gift *inter vivos*, as above mentioned.

V. Provided always, and be it enacted, That the provisions of this Act shall not apply to the Registrar of the County of Megantic, Division No. 2.