

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbshire and George Desbarts, 1854.

18 Victoria – Chapter 95

An Act to establish a Registry Office in and for each Electoral County in Lower Canada. Assented to 30th May, 1855.

Whereas it is desirable that the Territorial Divisions of Lower Canada should, so far as may be practicable, be the same for Electoral, Municipal and Registration purposes: 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, as follows:

- I. So soon as the Municipal Council of any Electoral County shall have fixed the place at which the Sittings of such Council shall be held, and shall have provided thereat a proper place for the County Registry Office, with a sufficient Metal Safe or fire-proof Vault for the safe keeping of the books and papers thereof, the Warden of the County shall represent the same to the Governor, and upon the report of the Attorney or Solicitor General that the foregoing requirements have been complied with, the Governor shall, by Proclamation, declare the same, and such Electoral County shall be a County for Registration purposes under this Act, upon and after a day to be named in such Proclamation.
- II. Upon and after the day named in such Proclamation, the Electoral County to which it refers, shall be a County for all the purposes of the Ordinance of the Governor and Special Council for the affairs of Lower Canada, passed in the fourth year of Her Majesty's reign, and intituled, *An Ordinance to prescribe and regulate the Registration of Titles to lands, tenements and hereditaments, real and 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 interest acquired therein*, and of the Acts amending the same, and a Registry Office shall lie kept for the purposes thereof in and for the said Electoral County at the place therein so provided as aforesaid, in which Office the Registration of all Deeds, Instruments and Documents affecting real property situate within such Electoral County shall be made, and all other things provided for by the said Ordinance and Acts, and having respect to such real property, shall be done: except only in so far as it is otherwise hereinafter provided.
- III. If there be already a Registry Office within such Electoral County, but it be not kept at the place so appointed and provided as aforesaid, it shall on and after the day so named be removed thereto and kept thereat, and shall thereafter be the Registry Office of such Electoral County, and the Registrar by whom it shall theretofore have been kept, shall, by virtue of this Act, be the Registrar of such Electoral County, but subject to be removed from office in like manner as other

Registrars; and if there be no Registry Office in such Electoral County, a Registrar shall be appointed therefor, and shall keep his Office at the place so appointed and provided as aforesaid.

IV. If there be in any territory now forming a Registration County or Division, and the Registry Office for which shall, under this Act, become that of an Electoral County, any place not included in such Electoral County or in any other Electoral County having become a Registration County under this Act, such Registry Office shall nevertheless remain, as theretofore, the Registry Office for such place, until the Electoral County in which it lies shall become a Registration County under this Act, but no longer; and generally, the present Registry Office for any place shall continue to be the Registry Office for such place, until some other shall, under this Act, become the Registry Office therefor.

V. If in any Electoral County becoming a Registration County under this Act, there be more than one Registry Office, that one of them which shall be at or nearest to the place where the Sittings of the Municipal Council of the County shall be held, shall be the Registry Office for such Electoral County, when it becomes a Registration County under this Act, subject to removal to the place where the Sittings of the said Council are held, if it be not already kept there; and any other Registry Office therein shall be removed to such place as the Governor shall direct in the Electoral County in which the greater part of the territory for which it remains the Registry Office shall lie, until such Electoral County shall become a Registration County under this Act, when it shall be kept at the place where the Sittings of the Municipal Council thereof shall be held, as hereinbefore provided.

VI. Notwithstanding any change made in the name or limits of any Registration Division by this Act, or the removal of the Registry Office thereof, the Registrar by whom such Registry Office shall be kept at the time of such change or removal, shall, without any new commission or appointment, be the Registrar of the Registration. County of which such Registry Office shall be the Registry Office under this Act, and shall be called and known as the Registrar of such County, and any Bond or security he may have given, as a Registrar, shall remain in full force, and shall apply as fully to his acts and defaults after as before such change or removal; but this shall not be construed to prevent the Governor from removing any such Registrar, or making any new appointment, or requiring any new security, if he shall think proper so to do.

VII. It shall be the duty of the Municipality of each Registration County or Division to provide and keep constantly in thoroughly efficient repair in the Registry Office of such County or Division, a proper and sufficient Metal Safe or Fire-proof Vault, for the safe keeping of the Books and Papers of such Office; and for any failure so to do such Municipality shall forfeit to the Crown for the public uses of the Province, the sum of fifty pounds currency, to be recovered as a debt due to the Crown; and the Municipality shall further be liable for all damages which may be sustained by any person by reason of such failure: And the Governor may appoint proper persons to inspect such Registry Offices, Safes and Vaults from time to time, and if any Registry Office shall be found unprovided with such Safe or Vault, or the Safe or Vault therein shall be found deficient, he may direct the Municipality to be sued for the said penalty, and may cause a proper Safe to be placed or a proper Vault to be erected in such Registry Office, or the Safe or Vault to be renewed or

repaired, as the case may require, and the cost: thereby incurred to be paid out of the Public Moneys: and the sum so paid shall be recovered from the Municipality as a debt due to the Crown; and if there be more than one Municipality in such Registration County or Division, such penalty or cost may be recovered from any one of them, saving the recourse thereof against the other or others; and such penalty or cost may be recovered from any Municipality of which the major part shall be within such Registration County or Division, saving the recourse of such Municipality against any other whereof any part may be within such Registration County or Division.

VIII. Whenever the Municipal Council of any Electoral County or locality which shall have become a Registration County under this Act, shall have provided funds for paying the necessary expense, such Council may require any Registrar in whose office there shall be registered any deed, instrument or document affecting real property in such Registration County, to furnish the Registrar of such Registration County with copies thereof and of all entries relative thereto, or of such abstract of such registered documents as may be desired, certified by such other Registrar and fairly transcribed in regular order in properly bound books to be furnished by the Municipality of such Registration County, which such other Registrar shall be bound to do, being paid therefor, out of the funds to be furnished as aforesaid, at the rate of four pence currency for every hundred words in such copy, or such less rate as such other Registrar and such Municipal Council shall agree upon; and the Registrar of such Registration County may and shall thereafter grant copies of, extracts from, or make searches and grant certificates, and perform all other official acts with respect to such deeds, instruments, documents or entries, as he might do and would be bound to do if the same had been originally registered and made in his Registry Office, and demand and take the like fees therefor; and such copies, extracts, certificates and acts shall *primâ facie* avail for all purposes as if granted and performed by the Registrar having the custody of the original books, entries and documents to which they relate, saving the right of any party to prove error therein, and the recourse of all parties against such other Registrar as aforesaid, if the error be in the copies furnished by him to the Registrar of such Registration County under this Act.

IX. The Registrar having the custody of the original books in which any deed, instrument or document may have been or might have been registered, may and shall grant copies thereof and extracts therefrom, and make searches and give certificates in respect thereof (on payment of the proper fees,) notwithstanding the place in which the real property to which the same relates is situate may no longer be within the limits of that for which he is the Registrar, and notwithstanding he may have furnished copies of such deeds, instruments or documents to some other Registrar under the next preceding Section, and with the same legal effect as if he were still the Registrar for the place in which such real property as aforesaid is situate; and until such copies as are mentioned in the next preceding Section are furnished to the Registrar of the proper Registration County as therein provided, all documents evidencing the discharge of any hypothec or other incumbrance or charge on any real property in such Registration County, may be registered in the Registry Office in which the deed, instrument or document creating such hypothec, incumbrance or charge was originally registered; but if such copies as aforesaid have been so furnished to the Registrar of the proper Registration County, then such discharge shall be registered in his Office.

X. Except as hereinafter provided, every County in Lower Canada mentioned and described in the Parliamentary Representation Act of 1853, as amended by the Parliamentary Representation Amendment Act of 1855, shall be an Electoral County for the purposes of this Act, with the boundaries assigned to it by the said Act or Ads.

XI. Provided always, that for the purposes of this Act the Magdalen Islands in the Gulf of St. Lawrence, shall not be held to be within the County of Gaspé; and the settlements of Ste. Anne des Monts and Cap-Chat as they are now bounded as a separate Municipality under the Act twelfth Victoria, chapter one hundred and twenty-six, shall not be held to be within the County of Gaspé; And provided also that for the purposes of this Act: —

1. The City of Quebec and the Electoral County of Quebec shall together form one Registration Division only, shall be dealt with as one Registration County under this Act, and shall be known as the Registration Division of Quebec; and the Registry Office for the said Division shall be kept at the City of Quebec;

2. The City of Montreal and the Electoral Counties of Jacques Cartier and Hochelaga shall together form one Registration Division only, shall be dealt with as one Registration County under this Act, and shall be known as the Registration Division of Montreal; and the Registry Office for the said Division shall be kept at the City of Montreal;

3. The Town of Three-Rivers and the Electoral County of St. Maurice shall together form one Registration Division only, shall be dealt with as one Registration County under this Act, and shall be known as the Registration Division of Three-Rivers; and the Registry Office for the said Division shall be kept at the Town of Three-Rivers;

4. The Town of Sherbrooke as described in the said Parliamentary Representation Act of 1853, including the Townships of Ascot and Oxford, shall together with the Township of Compton form one Registration Division only, shall be dealt with as one Registration County under this Act, and shall be known as the Registration Division of Sherbrooke; and the Registry office of the said Division shall be kept at the Town of Sherbrooke;

5. The County of Compton shall not, for the purposes of this Act, include the Township of Compton, and the remaining part of the said County shall, for the said purposes, be dealt with as an Electoral County;

6. The Island of Orleans shall, for the purposes of this Act, be dealt with as a separate Electoral County, and shall be known as the Registration Division of the Island of Orleans;

7. That part, of the County of Montmorency which lies on the north Shore of the River St. Lawrence shall, for the purposes of this Act, be dealt with as a separate Electoral County, and shall be known as the Registration Division of the County of Montmorency.

XII. The Magdalen Islands, in the Gulf of St. Lawrence, shall, for the purposes of this Act only, be considered and dealt with as if they formed an Electoral County and the Port of Amherst had been appointed the place for holding the sittings of the Municipal Council of the County; and for the purposes of this Act other than that of appointing the said place of sitting, the Municipal Council of the said Magdalen Islands shall be substituted for the County Council, with the same powers and obligations; and so soon as the Governor shall be satisfied that, a proper Metal Safe or Vault has been provided by the said Municipal Council for the safe keeping of the books and papers of a Registry Office, a Proclamation may issue reciting the fact and declaring the said Magdalen Islands a Registration Division under this Act, and a Registrar may be appointed therefor, to keep his Office at the place so provided at the Port of Amherst aforesaid.

XIII. The settlements of Ste. Anne des Monts and Cap-Chat, bounded as aforesaid, shall for the purposes of this Act only, be considered and dealt with as if they formed an Electoral County, and the Village of Ste. Anne des Monts had been appointed the place for holding the Sittings of the Municipal Council thereof: and for the purposes of this Act other than that of appointing the said place of sitting, the Municipal Council of the said settlement shall be substituted for the County Council with the same powers and obligations; and so soon as the Governor shall be satisfied that a proper Metal Safe or Vault have been provided by the said Municipal Council for the safe keeping of the Books and Papers of a Registry Office, a Proclamation may issue reciting the fact and declaring the said settlements a Registration Division under this Act, and a Registrar may be appointed therefor to keep his Office at the Village of *Ste. Anne des Monts* aforesaid.

XIV. The expression "Electoral County" or "Registration County," when used in this Act as signifying a Registration Division, shall include and apply to any Registration Division under this Act, whether formed of more than one County or of only part of a County, or otherwise howsoever; and the Municipal Council or Councils of such Registration Division shall be held to be included when the Municipal Council of an Electoral or Registration County is mentioned, unless there is something in the context inconsistent with such interpretation; and if in any case it be doubtful where the Registry Office of any Registration Division is to be kept, the Governor shall fix the place by the Proclamation establishing such Division.