

It is to be regretted that Mr. *Dowling* neglected to keep, as he was required to do, a register or calendar of all the Parishes, Towns, Villages, &c., included in the County of *Montreal*. Mr. *Ryland*, his successor, having followed his example, the law has not been obeyed in this respect.

I should be happy if I had to report only this omission on the part of Mr. *Dowling*; but, unfortunately, the proceedings of that gentleman and his Deputy are characterized by so many irregularities, and so much indifference and negligence, that I am obliged to declare to Your Excellency that, in the majority of cases, the books of that office cannot be depended upon for an authentic certificate, and that a certificate founded upon entries in them, could not be sustained in a Court of Justice, if its truth were impeached.

The 19th section of the Ordinance provides that "each and every of the Registers to be used for the registration of memorials therein, as aforesaid, shall, before the making of any entries, be authenticated by a *memorandum*, to be written on the first page thereof, and signed by the Prothonotary of the Court of Queen's Bench, &c., by which *memorandum* shall be certified the purpose for which the said Register is intended, the number of leaves contained therein, and the day, month, and year on which such *memorandum* shall be made, and shall also be authenticated by the numbering of each of the said leaves in words at full length, with the initial letters of the name of the said Prothonotary subscribed thereto; and every memorial that shall be entered in every such Register shall be numbered, and the day of the month, and the year, and the hour of the day, when every memorial is registered, shall be entered in the margin of the said Registers; and the said Registrar or his Deputy shall duly file the said memorials consecutively, in the same order in which they shall respectively come to his hand.

The 5th section of the Provincial Statute of the 8th year of Her Majesty's reign, chapter 27, made no alteration in the mode of authenticating the Registers, nor in that of establishing the date of presentation of deeds: on the contrary, with respect to these two important points, the law enjoins that the Registers should be authenticated, and the

documents carefully filed and numbered, and the requisite certificate of the precise time of their being deposited, endorsed on them, in order to preserve the order of hypothecs.

Notwithstanding these explicit injunctions, the Registers, &c., kept by Mr. *Dowling*, and by his deputy, afford proofs of culpable indifference and negligence with respect to this part of their duties.

Not only do these books teem with errors, omissions, erasures, and anti-datings; not only are the leaves dated and changed in such a way as to render the time of presentation of a great many documents uncertain; but one of the registers wants the certificate which ought to be found on its first page, and the pages are not numbered by the Prothonotary.

Entries of the discharge of hypothecs are frequently made in it in pencil.

None of the entries are signed or verified by any one.

The absence of marginal notes proves that the transcripts of Deeds in the books have not been compared with the Deeds themselves. And, indeed, fatal errors are detected in them from day to day.

It would take too long to enumerate all the causes which tend to deprive these books and documents of the validity and authenticity which they ought to possess.

They present an immense mass of writing, calculated only to produce confusion and uneasiness, until the Legislature shall have provided, by an express enactment, for their being put in order, and thereupon becoming authentic.

For some time before and after the 1st November, 1844, which was the last day allowed by law for the registration, with full effect, of old Deeds, a great many documents were presented at the office to be registered at full length; instead of preparation having been made for this contingency, and the strength of the office having been increased, so as to be able to number each document in the order of its presentation, they were received and thrown in a heap, without being numbered or arranged,