

CANADA.

Fifthly, That the seignior shall not in any case be bound to grant such commutation of tenure until all arrears of seigniorial dues and duties are discharged or satisfied by the censitaire applying for the same.

Sixthly, That the amount of the price, indemnity, or compensation, estimated and allowed by such experts, may remain charged upon the property of which the tenure shall have been changed as a redeemable rentcharge (*rente foncière rachetable*), with the like hypothèque et privilège in favour of the seignior as he now has by law in respect of his seigniorial dues and rights.

Seventhly, That in cases where the property, of which the tenure shall be changed, lies within a seignior under entail (substitution), the price, indemnity, or compensation, estimated by the experts, shall not be paid to the seignior tenant in tail (*grevé de substitution*), but shall remain charged upon the property whereof the tenure shall have been changed, as a rentcharge, not redeemable (*rente foncière non rachetable*) during the lifetime of such seignior, but shall be redeemable (*rachetable*) when the heir in tail (*substitué*) shall come into possession of the seignior (quand la substitution sera ouverte).

(signed) J. Stewart, Chairman.

(Certified.)

G. H. Ryland.

Enclosure 3, in No. 4.

Encl. 3, in No. 4. TO His Excellency Lieutenant-general Sir John Colborne, G. C. B., G. C. H., Governor General, &c. &c. &c.

REPORT of a Committee of the whole Council.—Present: The Hon. Mr. Stewart, Mr. Cochran, Mr. Daly, Mr. M'Gill, and Mr. De Rocheblave.

May it please your Excellency,

THE Hon. Mr. Cochran, the chairman of the sub-committee, to whom was referred that part of your Excellency's reference of 28th January last, relative to the establishment of registry-offices, having laid before the board their report thereon, it was read and adopted as the report of the committee of the whole Council; and the same is accordingly annexed.

All which is respectfully submitted to your Excellency's wisdom.

Executive Council Chamber, Montreal,
2 March 1839.

By order,

(signed)

J. Stewart, Chairman.

Friday, 1 March 1839.

AT the Council Chamber, in the Government House, Montreal.—Present: The Hon. Mr. Cochran, Mr. Daly, Mr. M'Gill, and M. De Rocheblave.

In sub-committee on that part of his Excellency the Governor-general's Reference in Council of the 26th January last, relative to the establishment of registry-offices.

The special committee of the Executive Council appointed to consider his Excellency's reference respecting the establishment of register-offices, having given their best attention to this important subject, have agreed to the following report:

Although the establishment of offices of general registry of conveyances and incumbrances has been repeatedly under discussion in the legislative bodies of this province for nearly 20 years, it does not appear that any legislative measure has received the concurrence of the two branches of the Provincial Parliament, excepting as regards lands in the townships.

In 1823 the Assembly resolved to take into consideration the passing of a law for the public registration of instruments changing or affecting real property. In the close of the same year the Legislative Council passed a Bill, which was committed for consideration in the Assembly, to make provision for this purpose.

In 1825 the Assembly again came to a resolution declaring the expediency of making such provision; and in 1826 the same body, after adopting several resolutions still more strongly affirming the expediency and necessity of passing a law upon this subject, took into consideration a Bill for this purpose, introduced by Mr. Vallières, and adopting the leading provisions of the modern *code civil* of France on this subject, which passed to a second reading, but was dropped in that session, and though taken up again in the following session, was not proceeded with.

In the year 1826 the Legislative Council passed a Bill making provision for this object, which was not taken up in the Assembly, who had then Mr. Vallière's measure before them; and in 1836 the Legislative Council, after an inquiry in which they obtained the opinions of many persons of information, intelligence, and experience from all classes of the community engaged in the active pursuits of life, including several eminent practitioners in the legal and notarial professions, again passed a Bill which was intended to prepare the way for the introduction of a complete and general system of registry, by altering the existing system of law in those points which confessedly interfere with the establishment of such a system; but this measure also dropped in the Assembly.

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