

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

claim and shall make Oath before said Commrs. that in such case if a Memorial &c. shall be found in the Register's Office of the Counties of Lincoln and Haldimand, in sd. District: or in the Register of the Surrogate Court thereof, the party claiming under such Deed &c. shall produce an attested Copy of such Memorial &c. from the Register of the said Offices respectively to sd. Commrs. the same attested Copy shall cause to be transcribed in a Book to be provided in manner herein-after mentioned, and shall on such Copy cause to be endorsed a Certificate of such entry which with the possession of the Claimant under such Deed &c. shall be good evidence of his title until better evidence shall appear.

Any Person who shall have lost the Deed &c. under which he may claim such Lands &c. whereof no record can be found in such Offices as aforesaid and make Oath before said Commrs. that the Deed &c. hath been bona fide lost, & that he has been in the actual possession of the Lands claimed, for 3 years, or shall by the Witnesses to such Deed &c. prove the substance thereof, the said Commrs. shall cause to be made an entry in such Books as aforesaid.

Such entry and record not to extend to bar him &c. who at the time of making thereof had better title, but every person &c. residing within this Province may within 7 years after such Entry, pursue his title at law, notwithstanding such entry shall be given in evidence to bar him, that at the time of making thereof had better right.

veyance, shall be found in the Register Office of the Counties of Lincoln and Haldimand, in the said District or in the Office of the Register of the Surrogate Court thereof, the party claiming under such Deed, Conveyance, Will, Mortgage, Lease or other mesne Conveyance, shall produce an attested copy of such Memorial, Record or Probate, from the Register of the said Offices respecting to the said Commissioners, which said Commissioners, the same attested copy shall cause to be Transcribed, Entered, and Recorded, in a Book or Books to be provided in a manner, here-in-after mentioned, and shall on such copy cause to be endorsed a Certificate of such Entry and Record and such copy so endorsed, or the Entry or Record thereof so made, together with the actual possession of the party claiming under such Deed, Conveyance, Will, Mortgage, Lease or other mesne Conveyance, shall be held, deemed, esteemed, and taken in Law, to be good evidence of Title in the party claiming, until better evidence shall appear, provided nevertheless, that when any person or persons shall so as aforesaid, have lost the Deed, Conveyance, Will, Mortgage, Lease, or other mesne Conveyance, under which he, she or they, may claim any such Lands, Tenements or Hereditaments, whereof no Memorial, Record or Probate can be found, in such Offices as aforesaid, and the party claiming make oath, or affirm, before the said Commissioners, or any three of them, which oath or affirmation, they are hereby empowered to administer and take, that the Deed, Conveyance, Will, Mortgage, Lease, or other mesne Conveyance under which he, she or they claim hath been bona-fide, lost or destroyed, and shall by other testimony or evidence prove that he, she, his, her or their ancestor, or other person under whom he, she or they shall claim, have been in the actual undisturbed and peaceable possession of the Lands, Tenements, or Hereditaments, claimed by and for the space of three years, then next before, or shall by the Witness or Witnesses to such Deed, Conveyance, Will, Mortgage, Lease or other mesne Conveyance or other parole or written evidence, prove the substance, matter, import, and effect thereof, that then and in such case the said Commissioners, or any three of them, the said matter evidence, and proof, shall cause to be made an entry of, set down in writing and Recorded in such Book or Books as aforesaid, the description of the Lands claimed, the name of the Township and County wherein situated and the name, addition and place of abode of the party claiming the same, which said Entry and Record so made by the said Commissioners or an attested copy thereof shall be held, deemed, esteemed and taken in Law, as good evidence of title in the party claiming until better evidence shall appear, Provided also, that such Entry and Record or copy thereof, shall not be taken, held or construed to extend to bar him, her or them, or the heirs of him, her or them, who at the time of making thereof had better title, but every such other person or persons and his, her or their heirs, then living and residing within this Province, may at any time within seven years after making such Entry and Record, have, pursue and prosecute, his her or their title at Law, notwithstanding such Entry and Record, which shall not be given in evidence to bar him, her or them, or the heirs of him, her or them, that at the time of making thereof had better right and who shall pursue the same within the time aforesaid, saving also to Infants, Persons of non sane Memory, femmes Coverts, and persons beyond the Seas, or residing without this Province, the right of so pursuing and prosecuting their Title at Law, at any time within three years next after they shall become of full age, of sane Memory, non Covert or shall come into this Province.