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O.

BILL.

An Act to explain and amend the Laws
relating to the Recognizances of Re-
gistrars of Deeds in Lower Canada,
and for other purposes.

Received and Read first time, Thursday, 3rd July, 1851.

Second Reading, Monday, 7th July, 1851.

[250 Copies.]

HON. MR. BOURET.

B I L L.

An Act to explain and amend the Laws relating to the Recognizances of Registrars of Deeds in Lower Canada, and for other purposes.

WHEREAS in and by an Ordinance of the Legislature Preamble.
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
5 "tenements and hereditaments real 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
10 other things in effect ordained and enacted that the Registrars
of Deeds for the several Districts in the said Ordinance men-
tioned 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, con-
15 ditioned 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 provid-
"ing for the Registration of Titles to Real Property or in-
20 "cumbrances 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
25 of the Districts therein mentioned was repealed, and it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 ap-
pointed in and of each and every County in Lower Canada;
And whereas by various subsequent Acts several of the said
30 Counties 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
35 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
40 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: Be it declared and enacted, &c.;

Provisions of Ord. of L. C. 4 Vic. c. 30, s. 8, applicable to Registrars of Counties, &c.

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. 5

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Existing Recognizances valid.

II. And be it enacted that every Recognizance heretofore entered into by any Registrar in Lower Canada, in any penal sum whatever, conditioned for the due and faithful performance of the duties of his office as such, shall be good, valid and effectual in law to the full extent of such penal sum and condition, save and except as hereinafter mentioned and provided for. 15

Amount of security to be given in future.

III. 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 pounds if he be or be appointed Registrar of either of the Counties of Quebec or Montreal, or pounds if he be or be appointed Registrar of any other County or of any Registration District or Registration Division 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. 20 25 30 35 40

Registrars to reside near their offices.

IV. And be it enacted that it shall be the duty of each and every Registrar of Deeds in Lower Canada to reside within the limits of the City, Town, Parish, or Township as the case may be in which his office is situate. 40