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1st Session, 5th Parliament, 18 Victoria, 1854.

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## BILL.

An Act to enforce the Registration of  
Titles to Lands in the Townships of  
Lower Canada.

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Received and Read First time, Friday, 22nd  
Sept., 1854.

Second Reading, Wednesday, 4th Oct., 1854.

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MR. FORTIER.

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QUEBEC :  
PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to enforce the Registration of Titles to Lands in the Townships of Lower Canada.

WHEREAS it is necessary that persons possessing Lands in the Townships of Lower Canada should enregister their Titles to such Lands, in order to facilitate the settlement of the said Townships, and for the better working of the Municipal and Road Laws: Be it therefore enacted, &c., as follows:—

Preamble.

Every person or party being or claiming to be the owner of any lot, half lot, or piece of land, in any of the Townships in Lower Canada, on which lot, half lot, or piece of land, there is not at the time of the passing of this Act, an inhabited house occupied by such owner or claimant, or by some person for him, and acknowledging him as the owner thereof, shall, within one year from and after the first day of January, 1855, file with the Registrar of Deeds for the County or division of a County for Registration purposes, in which the land so owned or claimed by him shall lie, a schedule signed by him or his Attorney, and either made before a Notary, or before two witnesses, one of whom shall swear to the execution before some Circuit Judge, and containing his christian and surname at full length, and a list and sufficient description of all the Lands owned or claimed by him within such County or division of a County, and stating also his place of residence, if within Lower Canada, and if not, then naming some person resident within the same, whom he authorizes to act for him as his agent in all matters and things whatsoever, relative to his said Lands, and to receive all notices respecting the same, and stating the residence of such person; and if such schedule be not made by the owner or claimant of such Lands, but by his Attorney, then the said schedule shall also set forth the date of the power of Attorney under which he acts, and the Notary with whom it is deposited in Lower Canada, and shall contain the residence of such Attorney, and his christian and surname at full length; and all services of notices or otherwise made upon the person designated in said schedule, at the place therein appointed for the purpose, shall be valid and effectual to all intents and purposes as regards such Lands and all matters and things thereunto relating, as if made upon the owner or claimant in person; and the said schedule shall also refer distinctly to the title or titles under which such owner or claimant owns or claims the Lands therein mentioned, and such title, if not previously registered in the office in which the said schedule is filed, shall be registered at the time of filing such schedule, which otherwise shall not be deemed to be filed for the purposes of this Act: Provided always, that such title may be registered, either at full length, or by memorial, at the option of the party registering the same; and provided, also, that if the said owner or claimant mentioned in the schedule, be not the party actually mentioned in such title, but the Lands have come to him by descent, or otherwise than by virtue of some instrument, writing, judgment, or other title sus-

Owners of unoccupied lots in the townships of Lower Canada, to file schedules of their lands, places of residences, &c. What such schedule must contain.

Such schedule to state the title under which the lands are held.

Proviso: if the title be not one which can be registered.

ceptible of registration, then the mode in which such Lands shall have come to him from the last owner whose title is registered, shall be distinctly set forth and traced, and all circumstances necessary to the full understanding of the right of such owner or claimant, shall be distinctly stated.

Schedule to be corrected when necessary.

II. Such schedule as aforesaid shall be corrected from time to time as circumstances may require, either by the same or any subsequent owner or claimant of the same land, by fying a new schedule in the like form. 5

Any actual settler may take possession of any lot with respect to which no such schedule is fyled; and what terms.

III. If at any time after the expiration of from the passing of this Act, there shall be any lot, half lot, or piece of land, not having upon it an inhabited house occupied by the owner or claimant of such land, or by some person acknowledging him as the owner thereof, and there shall be no such schedule as aforesaid fyled with reference to such land in the Office of the proper Registrar, then any person may take possession of the same, for the purpose of immediate and actual settlement and residence thereon, upon fying with the proper Registrar a memorandum or declaration made before Notaries, stating the number, range and Township of such lot, half lot or piece of land, (and no person shall so take possession of more than one full lot) and declaring himself to be ready to pay for the same to the true owner thereof, at the same rate and on the same terms, at which at the date of such declaration, the Provincial Government is selling the Crown Lands in or nearest to the same place; and such declaration shall be registered by such Registrar in the usual manner at full length on payment of the usual fees; And provided the person fying such declaration shall, within 15 months after the date thereof, actually become resident on such land, and shall within 20 months after the said date actually clear and cultivate acres of such land, then so long as he or his assigns shall actually reside on and occupy such land, such declaration shall be to him or them a valid title to the same, and the former owner of such land may recover from the holder thereof, by special privilege of *bailleur de fonds*, the price of the land at the rate mentioned or referred to in such declaration, with interest from the date thereof, at the terms at which the same would be payable to the Crown, if the sale had been made by the Crown at the date of the said declaration; Excepting always, that if the true owner of the land should within 25 months after 30

Declaration to be fyled by such settler.

On certain conditions such settler to become the owner of the land.

Exception if the owner claim, within a certain time and pay for improvements.

35 months after the date of the said declaration, claim the said land, and tender to the person having possession thereof under such declaration as aforesaid, the value of all his improvements thereon, and of any growing crops thereon, and thirty per centum thereon in addition thereto, then he shall have his land again, and the title of the person holding under the said declaration shall be void. 40

Lands forfeited if a schedule be not fyled, and no one settles thereon.

IV. All lands of or concerning which a schedule is required to be or a declaration may be fyled as aforesaid under this Act, and concerning which no such schedule nor such declaration as aforesaid shall be fyled within five years from the passing of this Act, shall at the end of that period be absolutely vested in the Crown, and may be regranted or otherwise dealt with as other Crown Lands, and all right and title of any person to the same under any former Letters Patent shall utterly cease and determine. 45