

order in the last page of such books so closed, immediately under the last entry therein, and at the commencement of such new books which may be thereupon opened, before any other entry shall be made therein, together with a memorandum of the name and date of the last registration of such books so closed; and no other entry whatever shall at any time after be made in any of such books so closed, save and except such correctional entries as may be made under and in pursuance of the provisions of this Ordinance.

Appendix (E.)

LVIII. And be it further enacted, That no county register shall be liable to any punishment for not attending as a witness in any civil court of justice in this province relating to any matter arising out of or connected with the business of his office of register, unless previously to his leaving his said office there shall be tendered and offered to him the amount of his expenses of travelling, at the rate of one shilling per mile, going and returning from the place of his office to the place where the court is to be held, and unless the party requiring his attendance shall undertake to pay to such register the sum of ten shillings currency for each day or portion of a day during which, travelling at the rate of 30 miles a day, he may be necessarily absent from the duties of his said office.

No county register to be compelled to attend on any business relating to the business of his office, except on payment of his expense of travelling at ten shillings currency per day

LIX. And be it further enacted, That in all cases wherein the original minute or entry, or any documents, instruments or papers which may have been filed with any of such county registers, or any minute or entry in the office of the provincial register, shall have been destroyed by fire or other unavoidable accident, or shall be in a state of great decay, it shall be lawful for the provincial register to direct fresh registries to be made out from the entries remaining in his office or in the office of the county register, as the same may be; or if any original judgment, act, deed or instrument from which the copy destroyed was taken shall be in existence, from such original judgment, act, deed or instrument, in new books of registry, so far as such remaining entries or original documents may enable the same to be done; and such new books of registry shall remain in the office of such register or provincial register, in lieu of the books so destroyed, or together with such books in such state of decay, and shall be taken and received in all courts and places as *prima facie* evidence of the contents of such former books; and it shall be the duty of every register or provincial register in whose office such books or entries may be destroyed or decayed to make and perfect all such new entries and books of registry to the best and utmost of his power; and for that purpose to make all necessary searches and to procure all such documents as may be necessary or useful and procurable without any fee, remuneration or reward to be therefore paid such register.

Where registry books or entries may be destroyed by fire or accident, fresh books to be made from the corresponding entries remaining in the registry offices, and original documents, &c. Registers to make such new books without fee or reward.

LX. And be it further enacted, That when any oath is required by this Ordinance to be taken, the same may be administered in that form which the party to take the same may declare to be most binding on his conscience; and any Quaker or other person who may have an objection, founded upon religious scruples, to take an oath, shall be permitted to make a solemn affirmation in lieu thereof: Provided nevertheless, and be it further enacted, That when any person taking any oath either on the Holy Evangelists or in any other form, or making solemn affirmation in lieu thereof, under this Ordinance, shall knowingly and wilfully make any false statement therein, with intent to injure or defraud any person whatever, every person making such false oath or affirmation shall be taken to be guilty of wilful and corrupt perjury, and being thereof convicted, shall be liable to suffer the same pains and penalties which now are by law inflicted on persons guilty of wilful and corrupt perjury.

Oaths to be taken in the form which the party may declare he considers most binding on his conscience. Quakers, &c., by affirmation. False oaths or affirmation punishable as perjury.

LXI. And be it further enacted, by and with the authority aforesaid, That if any person or persons shall at any time fraudulently forge or counterfeit any act, deed, instrument, or paper, whatsoever, or any copy, abstract, minute or entry which shall or may at any time hereafter be filed or registered or be presented for that purpose with or to any of the registers to be appointed under or by virtue of this Ordinance, for which no other punishment is provided by this Ordinance, such person or persons upon being thereof lawfully convicted, shall incur and be liable to such pains and penalties as by the laws of this province are now imposed upon persons for forging and publishing false deeds, charters, writings and wills.

Forging or counterfeiting any Act, &c., not otherwise provided for, to be punished as for forgery of deeds.

LXII. And be it further enacted, That all offences against this Ordinance may and shall be prosecuted, and all penalties for any offence or omission of every duty under this Act for which no other remedy is provided, may and shall be sued for in Her Majesty's Court of Queen's Bench in the district where such offence, or wherein any portion thereof may have been committed, or wherein such omission of duty may have occurred, and all pecuniary penalties which may not be otherwise disposed of by this Ordinance, shall go one-half to the person who shall sue for the same and the other half to Her Majesty.

All offences against this Ordinance to be prosecuted, and all penalties to be sued for in the Queen's Bench.

LXIII. And be it further enacted, That this Ordinance shall have come into operation, on the day of \_\_\_\_\_ and that every person seeking to avail himself of the benefit of this Ordinance and to register his title, or to preserve the priority of any alienation, claim, charge or incumbrance, then existing, relating to any immovables in this province, shall and may cause the same to be registered in manner herein provided within the several times following, that is to say: every such person who, at the time when this Ordinance shall come into operation shall reside in or come into any part of the continent or islands of North America, shall cause such registry to be made within the space of six calendar months, and if such person shall reside in any other part of the world within 10 calendar months, next after the coming into operation of this Ordinance; and in default hereof every such alienation, claim, charge or incumbrance, shall only rank in priority from the period of its being registered in manner herein provided (subject nevertheless to the proviso hereinbefore contained, as to charges and incumbrances having special privilege), and shall be absolutely null and void as against subsequent *bona fide* purchasers, or incumbrancer for a valuable consideration; but, if registered within such period as aforesaid, every alienation, claim, charge or incumbrance which may be in existence at the time of this Ordinance coming into operation, shall take effect and have priority from the date of its actual commencement, in the same manner as it would have done in case this Ordinance had not been passed: and until the expiration of such six months, every register shall cause all entries relating to any such title, alienation, claim, charge or incumbrance whereto any person may be entitled at the time of this Ordinance coming into operation to be made in a separate and distinct set of books to be provided by the provincial register as other books of registry under this Ordinance, which books shall

Ordinance to come into operation on \_\_\_\_\_ day of \_\_\_\_\_ period of registering all existing rights, to be six months for person residing in North America, and 10 months in any other part of the world, such registration to be made in separate and distinct books.