

Certified copy of any matter recorded in the provincial or county register a office to be evidence.

XXXV. And be it further enacted, That a certified copy, under the hand and seal of every such provincial or county register of any document or writing by this Ordinance directed to be recorded in the office of such provincial or county registers respectively, shall be received in evidence in all courts whatsoever in this province, and shall be evidence of the existence, nature and contents of the registry, and shall also be evidence of the instrument whereto it relates, in case of the loss thereof; and in cases where such registration was made upon the admission of any party to be affected by such registration, such certified copy shall be evidence also of the signature of the party or parties, and of the execution of such document or instrument of admission, in like manner and to the same extent as if the original document had been produced and proved: Provided nevertheless, That such evidence shall be open to be rebutted by proof that any fraud, imposition, forgery or false personation was practised in obtaining such registration; and provided also, that no evidence shall be allowed to be given to rebut the legal effect of such registration, unless fifteen days' notice of the intention to produce such evidence shall be given to the adverse party before the day appointed for commencing the *enquête*: And every certificate produced in any court of justice, under the hand and seal of office of any register, shall be received in evidence without further proof.

Every register to keep an adequate number of clerks, for whom he is to be responsible, and not to allow any fee, &c. to be taken but what allowed by law, so doing to be a misdemeanor in the clerk, punishable by fine and imprisonment, and clerk and register to forfeit a penalty of 5 l. with treble costs.

XXXVI. And be it further enacted, by and with the authority aforesaid, That every register shall keep such number of fit and proper and well-qualified clerks for the execution of the duty of such registry office as the business therein shall from time to time require, so as the registry of every instrument presented for registration shall take place with every possible despatch; and such register shall be held responsible for the due, careful and expeditious performance of such duties as shall be committed to him by this Ordinance, whether such shall be performed by him, or by him committed to the charge or execution of, or shall be performed by such clerks, and for any default, misfeasance or nonfeasance by such clerks respectively; and such register shall not allow any fee, gratuity or emolument whatever to be taken by any clerk, in his office, in respect of any duty imposed upon such register, or his clerks, by this Ordinance, under any colour or pretence, or in consideration of greater expedition, or of any service rendered, or of any matter or thing done in connexion with his said office, or other pretence whatsoever beyond or over and above or other than such fee or fees as shall be fixed and allowed for the same by law, or to which he may become entitled by any future Ordinance or Act: And in case any clerk or other person in the office of any register, shall exact, take, demand or receive any sum of money whatsoever, or any article or thing of value, for the performance of any duty so imposed upon such register, contrary to the provisions of this Ordinance, other than as may be allowed by any future Ordinance, Act or law, every such clerk or other person shall be taken to be guilty of a misdemeanor, and being thereof lawfully convicted in any superior court in this province, may be punished by fine and imprisonment at the discretion of the court; and every such clerk or other person, and every register in whose office or in respect of whose duty the same shall be taken, shall respectively forfeit and pay for each such offence double the amount and value so received by such clerk or other person for such duty or under any such pretext as aforesaid, and also be liable to the penalty of five pounds currency, with treble costs of suit, to be recovered and applied as hereinafter provided: Provided nevertheless, That nothing herein contained shall be construed to prevent any register from abandoning or relinquishing to any person, at his free will or pleasure, if he shall desire so to do, all or any fee, remuneration or reward to which he may be by law or may become by any future Ordinance or Act entitled, so that the abandonment and relinquishment of any such fee, remuneration or reward, shall in no wise remove or affect the liability of such register to the due and full performance of the duty in respect of which he would have been entitled to receive such fee, remuneration or reward.

Declaration that no register is to be allowed by law to receive any fee, &c. not authorized by Act of Parliament or future Ordinance, or by tariff duly authorized by such future Acts, except as sanctioned expressly by this Ordinance, and as authorized under existing registry Acts now in force.

XXXVII. And be it further enacted, and it is hereby declared, That no register can or shall be entitled by law to take or receive any fee, remuneration or reward for any act, matter or thing by him done or to be done under this Ordinance, save and except as hereby expressly sanctioned and authorized, or such fee, remuneration or reward as shall or may be fixed and prescribed for the same by Act of the Imperial Parliament of Great Britain or Ireland, or by some Act or Ordinance of this province, under due authority which may be hereafter passed for the same, or such fee, remuneration or reward as may be fixed and prescribed in some schedule or tariff of fees, duly authorized by such future Act or Ordinance, and save and except also that the registers or registrars of the counties of Drummond, Sherbrooke, Stanstead, Shefford, Missisquoi, Ottawa, Beauharnois, Megantic, Two Mountains and Acadie, shall and may accept, take and receive all such fees, emoluments and rewards as are now authorized to be taken under and by virtue of the several Acts of the parliament of this province made and passed and now in force relating to the establishment of registry offices in and their extension to such several counties or any of them.

Every county register to appoint a deputy, to act in case of his death or absence.

XXXVIII. And for the more sure performance of the duties of the office of such county registers, and to prevent as far as possible any interruption therein, be it further enacted, by and with the authority aforesaid, That every county register shall, within one calendar month next after the receipt of his appointment as such register, appoint some fit and proper person to be deputy-register of such county during the pleasure of such county register, who having taken the same oath in substance as his principal before some justice of Her Majesty's Court of King's Bench, provincial judge or justice of the peace, shall be considered as the head clerk of such county register, and whose name shall be fixed up in large and legible letters in the office for which he shall be appointed such deputy-register; and as often from time to time as such deputy-register shall die or be removed from office, or become incapable of efficiently executing the office, another shall be appointed in his place by writing under the hand and seal of the register of such county, and all such appointments or removals shall be certified under the hand and seal of such county register, and forwarded within three days from the time of such appointment or removal to the provincial register and recorded in the office of the provincial register, and be open to the inspection of all parties, in like manner as the appointment of such register; and such deputy-register, in the absence of the county register, shall perform all the duties of the said office, and in case of the death of the county register, shall perform all the duties of the said office, using the seal of such deceased register where necessary, and shall give immediate notice to the provincial register of the death of such county register, and from the period of so giving notice, shall receive all such fees, remuneration and emoluments, as such register, if living, would have been entitled to, and shall be subject to