

Appendix (E.)

shall be closed at the expiration of such six months, save and except as to any claims to such registration which may be thereafter made by parties who may not at the time of this Ordinance coming into operation be residing on the continent or islands of North America; and all entries relating to subsequent registrations of any such title, alienation, claims, charges or incumbrances existing at the time of this Ordinance coming into operation by any person entitled to such registration within the time hereby prescribed, shall be made in the same books, numerically, and from time to time, as the requisitions for such registrations may be received, and subject to the several rules and provisions, whether as to the nature of the books or the forms to be observed, hereinbefore provided and enacted for other registrations.

Registers to be at liberty to require applicants to refer doubtful cases of existing claims for such registration to the Court of Queen's Bench, who shall have power to issue a mandate to the register to admit or reject such claims. All decisions of the court as to registry to be open to the like appeals as other cases.

LXIV. And be it further enacted, That if upon this Ordinance coming into operation any claim to such registrations according to the priority of their respective dates, shall appear to any such county register or the provincial register to be of a doubtful nature, either as regards the place of residence of the party claiming registration, or as to the period of time when any such title, alienation, claim, charge or incumbrance, may have commenced or accrued, such claim to registration shall nevertheless be received and entered in the book of requisition in the order and of the number in which it shall be received; but it shall be lawful for any such register to require such person to apply in the manner prescribed and according to the provision hereby made for annulling or rectifying any false, fraudulent or defective registry to Her Majesty's Court of Queen's Bench for the district within which the immoveables to which such claim for registration may apply may be situate; and such court shall have the like jurisdiction and powers in all doubtful cases of such registration to inquire into, adjudge and determine such cases as are hereby provided and given in cases of false, fraudulent or defective registry, and to issue a decree or mandate thereupon directory to such register to admit or reject such claim to registration; and such claim, when admitted, shall have and take effect from the time when such claim to registration was received: Provided nevertheless, That all cases whatsoever of registration determined by such courts shall be open and subject to the like appeals and on the same terms, rules and conditions as are now by law applicable to other cases determined by such courts, save and except as in and by this Ordinance otherwise expressly provided.

Gaspé, for the purposes of this Ordinance to be considered as one county, and prothonotary to continue registrar. All provisions herein to apply to him in his character of registrar.

LXV. And whereas it is inexpedient at present to make further alteration in the system of registry which now prevails by law in the inferior district of Gaspé, than to secure uniformity of registry throughout the province, be it therefore further enacted, That for the purposes of this Ordinance, the said inferior district of Gaspé, consisting of the two counties of Gaspé and Bonaventure, shall be deemed and taken to be but one county, and that the prothonotary of the provincial court for the said inferior district of Gaspé, for the time being, shall be and continue the registrar or register for the said two counties of Gaspé and Bonaventure, and shall execute the office of such registrar or register, at his office of prothonotary of the said court, and that the several rules, regulations, enactments and provisions of this Ordinance shall be taken and held to apply in all things to such prothonotary, so far as the execution of his duties as such registrar or register may extend, in the same manner as to any such county registers appointed as hereinbefore provided.

Continuing part of Act 4 Geo. 4, c. 15.

LXVI. And be it further enacted, That so much of an act of the legislature of this province passed in the fourth year of the reign of his late Majesty George the Fourth, intituled, "An Act to render valid certain Acts, Agreements in Writing, and Contracts of Marriage (*Contrat de Mariage sous seing privé*) heretofore executed in the inferior District of Gaspé, and to provide for the want of Notaries in the said inferior District," as enacts that the prothonotary of the court of the said inferior district for enrolling every will, act, or agreement in writing, inventory, partage, donation, contract of marriage (*contract de mariage sous seing privé*) if the same do not exceed one hundred words, shall be entitled to demand and receive the sum of two shillings and sixpence currency, and for every hundred words exceeding one hundred words, at the rate of sixpence currency; and for every certified copy of any entry from such book or register, at the rate of one shilling currency for the first hundred words, and six pence currency for every hundred words exceeding the first hundred words, and which said Act was further continued by an Ordinance of the special council of this province, made and passed in first year of the reign of Her present Majesty, intituled, "An Ordinance to continue certain Acts of the Legislature of this Province, relating to the establishment of Registry Offices," until the first day of November, 1842, shall continue in force, and is hereby continued in force during the continuance of this Ordinance.

The books of registry kept under this Ordinance to be taken to be the books, and register and the certificates which may be given by the prothonotary as such registrar, according to this Ordinance, to be considered as the certificates directed under 4 Geo. 4, c. 15.

LXVII. And be it further enacted, That the registry books by this Ordinance directed to be kept by county registers, and which shall be kept under the authority hereof by the prothonotary of the said court of the inferior district of Gaspé, as such registrar or register, shall be taken and held to be such book and register, as in and by the said Act of the fourth year of the reign of his said Majesty, King George the Fourth, is directed to be kept by such prothonotary, and that all certificates which the said prothonotary may give under his hand and seal of office as such register of Gaspé, shall be held and taken to be, and shall be received in all courts of law, and have the like force and effect; as the certificates heretofore given under the said Act of the fourth year of the reign of his said Majesty, King George the Fourth.

So much of said 4 Geo. 4, c. 15, as is not hereby expressly continued, suspended and repealed.

LXVIII. And be it further enacted, That so much of the said Act passed in the fourth year of the reign of his said Majesty, King George the Fourth, as is not hereby expressly continued, shall be, and the same is hereby suspended and repealed during the continuance of this Ordinance, from and after the day of this Ordinance coming into operation.

10 & 11 Geo. 4, c. 8, s. 13; 1 Will. 4, c. 3, and 4 Will. 4, as far as extending 10 & 11 Geo. 4, c. 8, s. 13, to other counties, continued, and the remainder of such Acts and 2 Will. 4, c. 7, repealed and suspended during the con-

LXIX. And be it further enacted, That so much of an act of the legislature of this province, passed in the tenth and eleventh years of the reign of his late Majesty, King George the Fourth, intituled, "An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stansfeld, Shefford, and Missiskoui," as provides that every registrar appointed under the said Act, as often as he shall be required, shall make search of all acts, deeds or instruments in writing, enregistered in the offices established under the said Act, and give certificates to any person respecting the same, under his hand if required, and that every such registrar shall be entitled to demand and receive forthwith, for the entry and registration of any such act, deed or instrument in writing, the sum of two shillings currency, and no more, provided the same does not contain over