

XLIX. And be it further enacted, That the provincial register and every such county register shall grant every facility of search, and afford every information in his power to persons seeking to ascertain through the means of the registry books in his charge, any matter or thing therein contained; and every such county register when and so often as he shall be thereto required, by any person, who shall pay to him the sum of two shillings currency for every such search, shall make search, from and for such period not exceeding the period of thirty years, as he shall be required by the party seeking such information, concerning all titles, alienations, charges, incumbrances and claims which shall or may at any time theretofore during such period have been registered in his office, relating to any immovables within the circle of his registry, and every such county register shall, when thereto required, by such person as shall have paid to him for every such search such sum of two shillings currency, and who shall also tender, offer, and undertake to pay to him the sum of one shilling currency for every separate registration which shall appear to have been made in such book of registry, relating to such immovables, during the period of such search, or if no such registration shall have been made during such period, the sum of two shillings currency for such certificate, certified under the official signature and seal of the office of such register, whether at the time and on the day of the date of such certificate, or whether at any time after the commencement of the period to which such search shall relate, and which shall be named or specified in such certificate, any title, alienation, claim, charge or incumbrance, affecting any such lands or immovable property, is or has been registered in his office; and if any such there be, what is the nature and extent thereof, and the nature and description of the security, instrument or document whereon every such title, alienation, claim, charge or incumbrance may depend, or be founded, as the same may appear from the official books of such county register, and every such certificate shall be received in every court of justice in this province without further proof, and shall be admitted as evidence of the facts contained therein, so far as such county register is required by this Ordinance to certify the same: Provided nevertheless, That if any such county register shall have omitted to include in his certificate any document or instrument of title, alienation, claim, charge or incumbrance, which at the time of his granting such certificate was registered in his said office, proof of the registry thereof at that time may be admitted by the court, before whom such certificate may be produced, in opposition to such certificate.

The registers to grant every facility of search, &c.

L. And be it further enacted, That if any such county register shall knowingly and wilfully, with intent to defraud or injure any person whatever, give any false certificate to any party applying for a certificate of any title, alienation, claim, charge or incumbrance, every such register shall be taken to have committed felony, and being thereof convicted, may be sentenced to transportation to one of Her Majesty's penal colonies, for any period not exceeding fourteen years, and every such register who may give any such false certificate, whether with fraudulent intention, or through inadvertence or negligence, or otherwise, shall be liable to all damages sustained by any person by reason thereof, whether he may have been criminally prosecuted and convicted or not: Provided nevertheless, That no execution for such damages in any civil action, shall bar or prevent the criminal prosecution and conviction of any such offender.

Register giving a false certificate, with intent to defraud, guilty of felony, and may be transported for 14 years.

LI. And be it further enacted, That no claim for any accruing interest on any security for money, or any claims for rent of any description upon any immovables shall be a charge or incumbrance upon any immovables, after the period of registration; although the security on which such claims may be reserved may be duly registered, beyond a period of five years, but all such claims shall be absolutely null and void as against subsequent bona fide purchasers or incumbrancers for a valuable consideration beyond such period of five years, unless registered afresh as a principal and integral sum and charge, with the assent of the person subject to the payment thereof, or accompanied by the declaration hereinbefore directed and required for the registration of instruments *sous scing privé*.

No claim for interest or rent to be valid against subsequent purchasers on incumbrances beyond three years.

LII. And be it further enacted, That whenever any charge, incumbrance, or claim affecting any immovables, which shall have been duly registered according to the provisions of this Ordinance, shall have been wholly or in part paid off, satisfied, or discharged, whether such charge, incumbrance or claim shall consist of principal money, interest, lods et ventes, or rent of any description, or otherwise, it shall and may be lawful for the person whose property shall have been so affected, to demand of and from the party or parties in whose favour any such charge, incumbrance or claim may have operated, a release or discharge of such charge, incumbrance or claim, to be addressed to the register of the county in which the same may have been registered, to the effect that such payment, satisfaction and discharge, whether wholly or in part, and if in part to what extent, have been made; and the register to whom such release or discharge shall be addressed, on proof of the authenticity thereof by affidavit, shall file the same of record, and preserve the same in the same packet as the documents relating to the original registration, and enter a minute thereof or a reference thereto in the margin of the several books of registry, and the indexes thereto, in the same page in which such charge, incumbrance or claim or reference thereto was originally entered, so that the same may be manifest upon the inspection of such registry, to all persons whom it may concern; and such register shall also transmit a copy of such release or discharge and minute, to the provincial register with the next monthly report to be made by him, according to the provisions of this Ordinance, who shall forthwith, in like manner, cause such minute to be entered in the books of registry in his office, relating to such county, in the place or places where the original entry or entries of such register may appear.

When any part of a charge, incumbrance or claim shall have been discharged or satisfied, a release, &c. may be demanded and registered

LIII. And be it further enacted, That when any duly registered charge, incumbrance or claim affecting any immovables in this province, shall have been so paid off, satisfied or discharged, either wholly or in part, or where any such duly registered judgment shall have been reversed either wholly or in part, and the person or persons in whose favour the same may have operated, upon being requested so to do, by or on behalf of the person whose immovables may have been so charged, incumbered, or affected, shall refuse or neglect to grant, at the proper costs and charges of the party applying for the same, such release or discharge as is hereinbefore mentioned, of such partial or total payment, satisfaction or discharge thereof, or if any seigneur shall refuse, after request duly made, to grant such certificate relating to any lods et ventes upon any immovables within his seignory as hereinbefore provided, it shall and may be lawful for the persons so as aforesaid entitled to such release, discharge or certificate, to bring a summary action or suit in, or to move any of Her Majesty's

If upon such charge, &c. being paid off, &c., the person in whose favour it operated refuse to grant such release, &c., the party entitled may apply by summary action or motion to the Court of Queen's Bench, to compel the party to grant the same; such court may inquire and adjudge summarily, and give damages and costs.