

Notices not required.

9. The continuation of proceedings in such pending cases shall not require any new notice.

Circuit Court at Valleyfield to be abolished when *chef-lieu* fixed there.

10. The Circuit Court sitting at the town of Salaberry de Valleyfield shall cease to exist so soon as the *chef-lieu* shall be there established in accordance with the provisions of this act.

Coming into force.

11. This act shall come into force on the day of its sanction.

CHAP. 5

An Act respecting the registry office of the registration division of the county of Wright

[Assented to 28th March, 1901]

Preamble.

WHEREAS the registry office, in the city of Hull, for the registration division of the county of Wright, and the registers, books, papers, plans and other archives therein contained, were destroyed by fire on the twenty-sixth day of April, in the year one thousand nine hundred, and whereas since the said date new registers have been supplied to the office of the said division, and it is now expedient to define the manner in which the interested parties may proceed for the re-registration of the documents theretofore registered in the same;

Therefore, His Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain deeds, etc., with certificate of registration thereon, may be re-registered.

1. Any deed, map, plan or other document, heretofore registered in the office of the registration division of the county of Wright, or in that of the former registration division of the county of Ottawa, on or before the twenty-sixth of April nineteen hundred, shall, on production thereof at the said office, or at that of the registration division of the county of Labelle, as the case may require, with the certificate of its having been registered appearing thereon, be re-registered.

Registrar's duty in effecting re-registration and effect thereof.

In effecting such re-registration, the registrar shall record the certificate of the previous registration, and the day and hour of the entry and of such registration appearing thereon shall be the day and hour from which the re-entry and re-registration thereof shall take effect.

2. If no certificate of the original registration can be produced, any interested party may, either cause to be registered as if never before registered, if still within the prescribed delay for so doing, or cause to be registered in accordance with the following provisions, any deed, map, plan or other document registered in the said office before the above mentioned date, in each of the following cases :

Re-registra-
tion of deeds
etc., upon
which no
certificate
appears, etc.

- (a) If a duly certified copy thereof is in existence ;
- (b) If the original is in existence or there is a duplicate ;
- (c) If there is no duplicate or there is no such copy and the original has also been lost.

3. The application for re-registration is made by the interested party in the cases mentioned in the preceding section by petition presented to the Superior Court or to any judge thereof in the district of Ottawa, after the thirtieth day following the first publication in the *Quebec Official Gazette* of the notice provided for in paragraph 1 of section 6 of this act.

Application
to court or
judge and
when to be
made.

4. Such petition shall contain :

1. If it concerns a deed, plan or other document affecting immoveable property :

Contents
of petition :
If deed, etc.,
affect
immoveable
property.

- (a) A description of the immoveable ;
- (b) An indication of the nature and extent of the right claimed ;
- (c) The allegations necessary to make known the title of the petitioner to such right ;
- (d) A mention of the date of the deed or other document upon which the petitioner bases his title, as well as the actual or approximate date of the original registration ;
- (e) The name of the proprietor or of the person in possession *animo domini* of the immoveable and of the persons having any right thereon, with the indication of their last residence, if such names and residences are known to the petitioner ;
- (f) The names of the persons who have acquired any right to or upon the immoveable, registered since the destruction of the registry office and before the presentation of the petition, with an indication of the nature of such right.

2. If it concerns a deed or other document which does not affect immoveable property :

If deed, &c.,
do not affect
immoveable
property.

- (a) A description of the deed or document ;

(b) A mention of the real or approximate date of the original registration.

Affidavit in support of petition.

5. The petition must be accompanied by an affidavit attesting the truth thereof.

Notice to be published.

6. (1) Notice of the day and hour when such petition will be presented, drawn up according to form A of this act, is inserted twice in the *Quebec Official Gazette* and twice during two consecutive weeks in a newspaper published in French and in a newspaper published in English in the registration division, or if there are none, then in two newspapers published in one of the nearest divisions.

Petition must be posted in registry office. Service upon certain persons.

2. Further it must be and remain posted in the registry office of the registration division for two weeks.

3. Before being presented the petition must also be served upon the persons mentioned in paragraphs *e* and *f* of section 4 of this act in conformity with the rules prescribed for the service of writs of summons by the Code of Civil Procedure; and, if under such rules it should be necessary to give notice in the newspapers, the publication provided for in paragraph 1 of this section shall suffice.

Proceedings if petition not contested.

7. When the petition is presented, the court or judge may, if it is not contested, grant the conclusions thereof upon such proof as he or it may deem sufficient.

If contested.

If it is contested, the person contesting may be allowed to answer in writing within the delay which is fixed.

Rules to govern contestation.

In other respects the contestation is subject to the rules and delays in summary matters, other than those respecting the relations between lessor and lessee, enacted by chapter LV of the Code of Civil Procedure.

If several contesting parties.

8. If there are several contesting parties, the court or judge may, according to circumstances, and if their interest is common, order them to unite so as to file only one contestation.

Proof of contents of deeds etc., how effected.

9. Proof may be made by testimony of the contents of the deed, plan or other document, as well as of the certificate of original registration, as in the cases provided for by paragraph 6 of article 1233 of the Civil Code, and in accordance with the rules therein prescribed.

Description of deed, etc., in judgment, etc.

10. In rendering the judgment or order, the court or judge shall describe the deed, plan or other document for which registration is applied, and shall establish the day and hour of the original entry and registration.

Upon production at the registry office of a copy of the judgment or order, on the expiration of fifteen days from the date thereof, the registrar shall register it; and the day and hour of the original entry and registration mentioned in the judgment or order shall thereafter be the day and hour from which the re entry and reregistration shall take effect.

Registration of order how effected and effect thereof.

11. Any party aggrieved by the judgment or order may appeal therefrom to the Superior Court sitting in revision or to the Court of King's Bench.

Appeal from judgment may be had.

Notice of the inscription must, in either case, be filed within fifteen days after the judgment or order is rendered.

Delay to appeal, &c.

In other respects, the revision and appeal are governed by the rules of the Code of Civil Procedure respecting revision and appeal.

Rules to govern.

12. If deemed just, the court or judge may, upon petition, permit the registration notwithstanding the revision or appeal.

Registration notwithstanding revision or appeal.

13. The judgment and order may in addition be attacked for any lawful cause.

Recourse against judgment or order.

14. The party presenting the petition bears the costs occasioned thereby; but if there is a contestation, the losing party must be condemned thereto, unless the court or judge in giving the judgment or order otherwise directs for special reasons.

Costs of petition.

Costs of contestation.

15. The fees of the registrar, for registrations under the provisions of this act, shall be payable by the persons requiring such registration.

Fees of registrar, by whom payable.

16. No government tax or duty shall be exacted upon proceedings under this act nor upon registrations thereunder.

No government tax or duty on proceedings or registrations.

17. The fees of advocates and of the prothonotary for proceedings under this act shall be those allowed in first class non-appealable actions in the Circuit Court.

Fees of advocates and prothonotary.

Stenographers shall be entitled to fees according to the tariff fixed for such officers in the Superior Court.

Stenographers' fees.

18. Registration under this act shall avail as and be equivalent to original registration.

Effect of registration.

Nevertheless, although the right of the acquirer has not been reregistered, the registration, in virtue of this act, of an assignment, transfer, hypothec, or real right by him consented to and affecting the immovable, shall have its effect.

Proviso.

Limitation of time within which registration under section 1 may be made.

19. No registration under section 1 of this act may be made after one year from the date of its coming into force, and no registration under sections 2 and following of this act may be made after two months after the rendering of the final judgment.

Extension of provisions of act to other registration divisions by proclamation, etc.

20. The Lieutenant-Governor in Council may, by proclamation, extend the provisions of this act to any registration division, the registry office whereof shall be destroyed; and, in such case, the court or judge having jurisdiction shall be the Superior Court and judge of that court in the district in which the *chef lieu* of the registration division is situated; and the delay of one year, fixed by section 19 of this act, shall begin to run on the day when this act comes into force in such division.

Provisions respecting registrations already made since the 26th April, 1900.

21. The reregistration in the registry office for the registration division of the county of Wright or in that of the county of Labelle between the twenty-sixth of April, 1900, and the coming into force of this act, of any deed, map, plan or other document which appears by the certificate thereon to have been originally registered in the office of the registration division of the county of Wright or in that of the former registration division of the county of Ottawa, shall avail as if reregistered under section 1 of this act.

Coming into force.

22. This act shall come into force on the day of its sanction.

FORM A

Notice is hereby given that (*name, domicile and calling of the petitioner*), will on the at the hour of in the noon or so soon thereafter as counsel can be heard, present to the Superior Court or a judge thereof sitting in and for the district of Ottawa, at the courthouse in the city of Hull, (*or, as the case may be*) a petition for the purpose of obtaining an order enjoining the registrar of the registration division of Wright to reregister (*briefly describe the deed, etc, concerned, and if such deed, etc, affects immoveable property, describe such property*) and ordering that such registration shall bear date the (*state the actual or approximate date of the original registration*).

Dated at , this , 19

A. B.

Attorney for petitioner.

(*or as the case may be*)