

application of
penalties.

section, or under the eleventh section of this act, together with the costs of suit, may be recovered and applied in the manner provided by the act chapter eight of the consolidated statutes of Lower Canada, with respect to penalties incurred under that act.

Interpretation
of "license
officer."

15. The term "license officer" in this act shall mean and include any collector of inland revenue, or his deputy, or any officer appointed to issue licenses, or charged under authority from the treasury department or otherwise with the execution of any duty under either of the said chapters six, seven, or eight of the consolidated statutes for Lower Canada.

C A P . X X V .

An Act to amend chapter 37, of the Consolidated Statutes for Lower Canada, and also the act 27-28 Victoria, chapter 40, of the Statutes of the late Province of Canada, respecting registration and the books kept by Registrars.

[Assented to 5th April, 1869.]

Preamble.

WHEREAS the index or repertories, registers and other books, kept in each registration office, in conformity with chapter six of title eighteen of the civil code of Lower Canada are liable to be impaired by continued use, and whereas to prevent errors and omissions which may result from such deterioration, it is expedient to provide for the making of authentic copies thereof; and whereas the plans and books of reference, which the commissioner of crown lands is bound to prepare under chapter 37 of the consolidated statutes for Lower Canada, act 27-28 Victoria, chapter 40, and articles 2166 and 2167 of the said civil code, cannot be filed by the said commissioner, in the office of the registrar of any registration division, until the plans and books of reference of all the localities, included in the said registration division, have been made for the whole division; and whereas, in the public interest, it is desirable, that the plan and book of reference of any city, town, village, parish, township or part thereof, be whenever the same is deemed necessary filed separately and alone, and that power be conferred upon the lieutenant-governor in council to announce by proclamation the filing of the said plan and of the said book of reference for a part only of the registration division, and to fix the day on which the provisions of article 2168 of the said civil code shall come into force in such part of the said division: Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Whenever it shall clearly appear, to the satisfaction of the lieutenant-governor in council, that any index, repertory, register or other book, kept in any registration office, is so worn out by time and use, or is in such a state of decay from age, that errors or omissions, of a nature to prejudice the public, or endanger the rights of individuals, may be committed in or arise from the same, the lieutenant-governor in council may order the registrar, whereof one of the indexes or repertories, registers or other books, is so worn out, to provide himself with another, in the same form as the first, and to transcribe or cause to be transcribed thereon, in so far as the writing thereof can be deciphered, all the acts, matters and things contained in the said index or repertory, register or other book so worn out.

Registry books may be renewed when worn out.

2. The book in which such transcription is to be made, shall be previously authenticated and paraphed, in the manner set forth in article 2181 of the civil code, if the said book should, under the said article, be authenticated and paraphed.

Authentication of new books before transcription.

3. Whenever such transcription shall have been so made, in the said index, repertory, register or other book, and shall have been compared with the original by the registrar and by his deputy, the said registrar or his deputy shall draw up and affix at the end of the said index, repertory, register or other book, a declaration or certificate to the effect that the same has been examined and compared with, and is in conformity to the original; such certificate shall be attested under oath taken before the prothonotary of the superior court of the district, or before the clerk of the circuit court for the county.

Authentication after transcription.

4. The said index, repertory, register or other book bearing such certificate shall have the same authenticity, validity and effect, to all intents and purposes, as that whereof it is the transcription, and article 2161 of the civil code shall apply thereto. The original book shall nevertheless be carefully preserved, although a transcription thereof shall have been made, and may avail and be consulted as occasion requires.

Authenticity of transcript.

2161 C. C.

Original to be preserved.

5. The following article is and shall be added to section 2, of chapter 6, of title 18 of the civil code of Lower Canada, namely:

Art. 2176 added to C. C.

" 2176 a.—Whenever the plan of the lots of land of any city, town, village, parish, township, or of any division whatsoever of such localities, forming part of any registration division, has been made in conformity with the provisions of chapter thirty-seven of the consolidated statutes for Lower Canada, and of the act twenty-seventh and twenty-eighth Victoria, chapter forty, the lieutenant-governor in council may cause to be filed in the office of the

Copy of plan &c. of part of a registration division may be deposited.

C. S. L. C. c. 37 & 27, 28 V. c. 40.

registrar of the proper registration division, a correct copy of such plan, together with a copy of the book of reference relating thereto.

Deposit to be announced by proclamation and thereupon provisions of code to apply.

The deposit of such plan and book of reference is announced by a proclamation of the lieutenant-governor in council, which at the same time determines the day upon which the provisions of article two thousand one hundred and sixty-eight, shall come into force in such registration division, respecting the localities whereof the plan of the lands has been so filed ; and from the date of the period fixed in such proclamation, all the provisions of the code shall apply to such plan and to such book of reference, and to all lands and property comprised in the said plan, and to all contracts, hypothecs or acts whatever, concerning or affecting such land or property, in the same manner as if the plan of the whole registration division had been deposited, in conformity with article two thousand one hundred and sixty-six."

Books of reference may be published in *Official Gazette* and be evidence.

6. The commissioner of crown lands may cause to be published in the *Quebec Official Gazette*, the books of reference of each or any locality included in any registration division, and every copy thereof printed and published in the said gazette shall be evidence of the same, and shall have the same effect as the original of the said book of reference.

Part of Acton to belong to registration div. of Bagot

Proviso.

7. That part of the township of Acton comprised within the limits of the parish of St. Fulgence de Durham forms part, and has, since the fifteenth day of October, eighteen hundred and sixty-one, always formed part of the registration division of the county of Bagot, provided always that documents respecting property in the aforesaid part of the township of Acton, which shall, since the day aforesaid, have been enregistered in the registry office for the county of Drummond, are good and valid, in so far as respects registration, without prejudice to rights acquired by third parties.

Part of St. Hyacinth the confessor to belong to registration division of county of St. Hyacinth. Proviso.

8. That part of the parish of St. Hyacinth the Confessor, which heretofore formed part of the parish of Ste. Rosalie, forms and has always formed part of the registration division of the county of St. Hyacinth ; provided always that the documents respecting property in the aforesaid part of the said parish, which shall have been enregistered in the registry office of the county of Bagot, are good and valid, in so far as respects the registration thereof, without prejudice to rights acquired by third parties.

Part of Kildare to belong to registration division of Montcalm. Proviso.

9. That part of the township of Kildare comprised within the limits of the parish of St. Liguori, forms part, and ever since the thirtieth day of June one thousand eight hundred and sixty four, has formed part of the registration division of the county of Montcalm ; but, nevertheless, all docu-

ments relating to property situated in the said part of the township of Kildare, which since the last mentioned date may have been registered in the registry office of the county of Joliette, are good and valid, in so far as their registration is concerned, without prejudice to the rights of third parties.

10. In order to meet the expenses of inspecting registry offices, and of making plans and books of reference in the different registration divisions, the lieutenant-governor in council may, from time to time, order a percentage to be levied upon the fees received by registrars on the renewal of registrations in virtue of article 2172 of the civil code; such percentage shall not exceed fifteen per cent on the fees so received by registrars on such renewals of registration.

Provision to meet expenses of inspecting registry offices.

2172 C. C.

11. All registrars shall every three months render to the treasurer of the province a faithful and correct account, under oath, of all fees so received by them and shall pay the said percentage into his hands in such manner as shall from time to time be prescribed by the lieutenant-governor in council.

Registrars to account quarterly to treasurer.

12. That part of the parish of St. Jacques le Mineur, which is included in the county of Napierville for purposes of registration, has been, ever since the second day of November, one thousand eight hundred and sixty-seven, the day on which the provisions of article 2168 of the civil code came into force in the first registration division of the county of Huntingdon, and shall, for the future, be comprised within the said registration division.

Part of parish of St. Jacques le Mineur to belong to registration division of Huntingdon.

13. All registrations, and all renewals of registration, of real rights affecting immoveables situate in the said part of the parish of St. Jacques le Mineur, made and effected since the said second day of November, one thousand eight hundred and sixty-seven, in the registry office of the county of Napierville, and in the registry office of the first registration division of the county of Huntingdon, or in either of the said registry offices, are hereby declared to be good and valid to all intents and purposes, without prejudice however to acquired rights.

As to registrations hitherto made affecting property in said parish.

14. Notwithstanding the delay fixed by the proclamation of the governor-general of the late province of Canada, dated the twenty-eighth day of June, one thousand eight hundred and sixty-seven, declaratory of the coming into force of article 2168 of the civil code, in the said first registration division of the county of Huntingdon, and notwithstanding the provisions of the civil code in that respect, all renewals of registration of hypothecs on property situated in the said part of the parish of St. Jacques le Mineur, which shall not have been made on the second day of May next, may be effected within eighteen months after that day.

Delay for registration of hypothecs on property in said parish.