

Right of mortgagee of lease not to be barred.

1908, No. 99, s. 119

Mortgagee of leasehold after entry liable to lessor for rent.

Ib., s. 120

Mortgagee to have custody of instrument of title.

Ib., s. 121

On death of annuitant, discharge of annuity may be entered.

Ib., s. 122

Person claiming under transmission may apply to have same registered.

Ib., s. 123

Particulars to be stated in application.

Procedure on application for transmission.

1913, No. 17, s. 14

given to a landlord against a lessee or tenant whose term is expired or rent in arrear.

119. No right of recovery of possession by any lessor or mortgagee of land under this Act shall extend to bar the right of any mortgagee of any lease or any part thereof who is not in possession, if such mortgagee pays all rent in arrear and all costs and damages sustained by the lessor or person entitled to exercise such right of recovery, and performs all the covenants and agreements which on the part and behalf of the first lessee are and ought to be performed.

120. Every mortgagee of leasehold land under this Act, or any person claiming the said land as a purchaser or otherwise from or under such mortgagee, after entering into possession of the said land or the rents and profits thereof, shall, during such possession and to the extent of any rents and profits which may be received by him, become and be subject and be liable to the lessor of the said land, or the person for the time being entitled to the said lessor's estate or interest in the said land, to the same extent as the lessee or tenant was subject to and liable for prior to such mortgagee or other person entering into possession of the said land or the rents and profits thereof.

121. The mortgagee, or first mortgagee for the time being, of any estate or interest under this Act shall be entitled to the possession of the outstanding grant, certificate, or other instrument of title; or the same may by agreement be deposited with the Registrar for safe custody during the continuance of the security.

Discharge of Annuity.

122. Upon proof of the death of the annuitant, or of the occurrence of the event or circumstance upon which, in accordance with the provisions of any instrument executed for the purpose of securing an annuity or continuing payment, such annuity or payment shall cease to be payable; and upon proof that all arrears thereof have been paid, satisfied, or discharged the Registrar shall make an entry in the Register of such satisfaction or discharge, and shall indorse the same on the outstanding duplicate of title, if produced to him for that purpose, and shall, if the same is surrendered to him, cancel the instrument creating the incumbrance.

Transmission.

123. (1.) Any person claiming to be entitled to any estate or interest under this Act by virtue of any transmission may make application in writing to the Registrar to have such transmission registered.

(2.) Such application shall accurately define the estate or interest claimed by the applicant, and shall state, so far as is within the knowledge of the applicant, the nature of every estate or interest held by any other person at law or in equity affecting the same, and that he verily believes himself to be entitled to the estate or interest in respect of which he applies to be registered as proprietor, and the statements in such application shall be verified by the oath or statutory declaration of the applicant.

124. (1.) If on such application and upon the evidence adduced in support thereof it appears to the Registrar and Examiner of Titles that the applicant is entitled to the estate or interest claimed, the