

An Act for quieting Titles to Real Estate and to authorize the issue of Debentures chargeable on land in Upper Canada.

WHEREAS it is expedient to enable owners of land to have their Titles, or certain facts involved therein, judicially investigated, and, if established, to have the same conclusively declared to be so, with a view of quieting Titles and of avoiding renewed and inconclusive investigations at every transfer or mortgage of the same land: And whereas it is also expedient to make certain amendments to the Law in regard to the limitation of suits with a view to the quieting of Titles: And whereas it is expedient to give freedom and facility to the creation and transfer of charges on land in Upper Canada: Therefore, Her Majesty, &c., enacts as follows:

1. The short title of this Act shall be, "The quieting Titles and Land Debenture Act, Upper Canada."

2. Unless the context shall require a different construction, words used in the singular number and masculine gender shall be construed to extend to one or more persons, whether sole or corporate, or male or female, and the Court shall mean the Court of Chancery for Upper Canada, or any Judge thereof, and "Debenture" shall mean a Debenture issued under the authority of this Act.

3. Any owner of an estate in fee simple in Upper Canada shall be entitled to have his title judicially investigated and the validity thereof ascertained and declared, and he shall be so entitled whether his estate is legal or equitable, and whether subject to or free from any dower, leases, tenancies, or other incumbrances.

4. When any person has any estate or interest legal or equitable in or out of land in Upper Canada, and such estate or interest is not an estate in fee simple (subject or free as aforesaid) such person may also apply for the investigation of his title and a declaration of the validity thereof; but it shall be in the discretion of the Judge, by or before whom the proceedings are taken, to grant or refuse the application for the investigation; and such discretion may be invoked and exercised at any stage of the proceedings, and the decision of the Judge in exercising such discretion shall be subject to appeal like any other decision.

5. In case any owner or person interested in land has, for valuable consideration, agreed to obtain for another an indefeasible title to or conveyance of the land, or some interest therein, under this Act, the latter may make the application, and with the same effect as the person who so agreed to obtain the title or conveyance for him.

6. The application shall be to the Court of Chancery, or any Judge thereof, and may be by a short petition in the form given in Schedule A.