

An Act for quieting Titles to Real Estate in Upper Canada.

WHEREAS it is expedient to give certainty to the title to real estates in Upper Canada, and to facilitate the proof thereof, and also to render the dealing with land more simple and economical: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Any owner of an estate in fee simple in land in Upper Canada, or any trustee for the sale of the fee simple, shall be entitled to have his title judicially investigated and the validity thereof ascertained and declared; and he shall be so entitled whether he has the legal estate or not, and whether his title is subject or not to any charges or incumbrances.

Owners in fee simple entitled to judicial investigation.

2. Any other person who has any estate or interest, legal or equitable, in or out of land in Upper Canada, 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.

In case of any other estate; investigation to be discretionary with the Judge.

3. 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 the Schedule A.

Form of application and to whom.

4. A certificate by the Registrar of the said Court, of the petition being filed, shall be registered in the Registry Office of the County in which the land lies, and this certificate may be in the form given in Schedule B.

Registry of application.

5. The application shall be supported by the following particulars:

How the application must be supported.

1. The title deeds (if any) and evidences of title relating to the land that are in the possession or power of the applicant;

2. A certified copy of the memorials of all other registered instruments affecting the land; or of all since the last judicial certificate, if any, under this Act was given (as the case may be), up to the time of the registering of a certificate of the petition as provided for by Section four;

3. The certificate of the Registrar of the County in which the land lies, as to bills and proceedings in Chancery or in any County Court on its equity side, relating to the land, and of which a certificate has been registered in his office;