

Whenever, however, a person conducting himself respectfully desires to make a search into the state of any particular title or into the registration of judgments, &c., the Registrar ought, as a general rule, to allow the person interested in the search to run his eye over the index in order to give greater assurance that no entry respecting the land or the party in question shall escape attention, but this of course would only be when the Registrar sees the object to be the single one of making the search more satisfactorily.

Such a proceeding would not only to a certain extent relieve the Registrar from responsibility, but be a great satisfaction to the party interested in the enquiry.

On these points the case of Webster and the Registrar of Brant, reported in this number, is an authority. It is the judgment of a Court of competent jurisdiction, and at present the law of the land.

There is nothing in the Registry Act requiring a Registrar to keep an index of lands in any particular form. The index is kept for the purpose of facilitating searches. It is for the Registrar's own convenience and not a record of his office.

The Registrar is, however, expressly required to enter in a separate book to be kept for the purpose, the certificates of all judgments, decrees or orders brought to him for registration, and to prepare an alphabetical index there-to (Consol. Stat. s. 71).

It is the duty of the Treasurer of the County to provide a fit and proper Register book for each Township, reputed Township, City and Town, the limits whereof are defined by law. Whenever any Registrar requires a new Registry book it is the duty of the Treasurer, on his application, to furnish him therewith, and books so furnished are to be paid for by the Treasurer out of County funds. The Registrar has no authority without reference to the County Council himself to order Register books so as to make the County liable for them (*Read v. The Council of the County of Kent*, 13 U. C. Q. B., 572).

If the Treasurer refuse or neglect to furnish Register books within thirty days after the application of the Registrar therefor, the Registrar may provide the same and recover the cost thereof from the Municipality of the County (Consol. Stat. U. C., p. 897, s. 69).

Next as to the Registrar's fees. The legal principle is, that every charge imposed by law on the subject in the shape of a tax or fee must be by clear and express words (*Keele v. Ridout*, 5 U. C., Q. B., 240).

We cannot too deeply impress this principle upon the minds of Registrars. Some of them think that they may create fees according to fancy, and because some persons submit to the exactions, believe nobody will question the right.

It is to our own knowledge the habit of some Registrars to make charges for many matters of detail for which there is no statutory or other legal authority.

The following are the only charges which a Registrar is entitled by law to make:—

1. For drawing affidavit of execution of instrument if done by the Registrar or his Deputy... \$0 50
2. For recording every Deed, Conveyance, &c., including all necessary entries and certificates..... 1 25  
In case such entries and certificates exceed 800 words then at the rate of 13½ cts. for every additional one hundred words.
3. For registering a Sheriff's Deed.....\$0 75
4. " " Certificate of Payment..... 0 50
5. " " Satisfaction thereof..... 0 50
6. " " any Certificate of a Suit or Proceeding in Equity..... 0 50
7. For registering any Certificate of Decree..... 1 00
8. For entering Certificate of Payment of Mortgage money, including all entries and Certificates thereof 0 50
9. Drawing Affidavit of the execution thereof when done by the Registrar or his Deputy..... 0 50
10. For searching Records relating to any parcel or lot of land not exceeding four references..... 0 25
11. For every additional four distinct references, and so in proportion to every number of searches made... 0 25
12. In no case a general search into the title of any particular lot, piece or parcel of land to exceed..... 2 00
13. For every extract furnished, including Certificate.... 0 25
14. Where the extract exceeds 100 words for every additional 100 words..... 0 15
15. For furnishing statements required under the 72nd section of the Registry Act, per folio of 100 words 0 10

A Registrar is not in any way bound to give extracts or certificates of such portions of a lot as are not asked for, nor can he compel a person to pay for such. He may make search to see whether the Crown had granted the whole of a lot or granted it in halves or other lesser proportions, but as soon as he discovers that it was granted in halves or other lesser proportions his search and his extracts should be confined to that part which is asked for, and his extracts for which he would have a right to charge should be confined to that part.

If a Registrar finds that it enables him to make searches more easily to insert all the conveyances affecting a particular lot in one part of a page he may do so, though the Crown may have granted it in half lots or other lesser proportions, yet that will not enable him to charge for searches and abstracts for the whole when not wanted.

When after grant from the Crown a person sub-divides a lot himself and does not furnish the Registrar with a plan, the Registrar has no other mode than to put all conveyances affecting the lot in the one index, and in this case it is apprehended would be entitled to each search made, though on portions of the lot other than that about which the enquiry is made.