

An Act for quieting Titles to Real Estate 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 like view to the quieting of titles; Her Majesty, &c., enacts as follows :

Preamble.

I. Any owner of an estate in fee simple in land 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.

Owners in fee simple entitled to judicial investigation of title.

II. 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.

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

III. 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.

By whom application may be made in certain cases.

IV. 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.

Form of application, and to whom.

V. 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, before the investigation is entered upon, and this certificate may be in the form given in Schedule B.

Registry of application.

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

1. The title deeds and evidences of title relating to the land that are in the possession or power of the person whose title is to be investigated.
2. A certified copy of all other registered instruments affecting the land, since the last judicial certificate (if any) under this Act was given, (or of all as the case may be), up to the time of the registering of a certificate of the petition as provided for by Section 5.

How the application must be supported.