

BILL.

An Act respecting short forms of Mortgages in Upper Canada.

HER Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. When a mortgage of real property in Upper Canada, made according to the forms set forth in the first schedule to this Act, or any other such mortgage expressed to be made in pursuance of this Act, or referring thereto, contains any of the forms or words contained in column one of the second schedule to this Act, and distinguished by any number therein, such mortgage shall be taken to have the same effect, and be construed as if it contained the form of words contained in column two of the same schedule, and distinguished by the same number as is annexed to the form of words used in such mortgage ; but it shall not be necessary in any such mortgage to insert any such number.

Where words of column one of the second schedule are employed the mortgage to have the same effect as if the words in column two were inserted.

2. Any such mortgage or part of such mortgage which fails to take effect by virtue of this Act shall, nevertheless, be as effectual to bind the parties thereto, so far as the rules of law and equity will permit, as if this Act had not been made.

Mortgages failing to take effect under this Act to be as valid as if Act not made

3. Every such mortgage, unless an exception be specially made therein shall be held and construed to include all houses, out-houses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, water-courses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments and appurtenances whatsoever to the lands therein comprised belonging, or in any wise appertaining, or with the same demised, held, used, occupied and enjoyed, or taken or known as part or parcel thereof, and if the same purports to convey an estate in fee, also the reversion and reversions, remainder and remainders, yearly and other rents, issues and profits of the same lands, and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim and demand whatsoever at law and in equity of the grantor in, to, out of or upon the same lands and every part and parcel thereof, with their and every of their appurtenances, subject always to the reservations, limitations, provisos and conditions, contained in the grant of such lands from the Crown.

Mortgage to include all houses, &c., and the reversion, and all the estate, &c.

4. In the construction of this Act and schedules thereto, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all freehold tenements and hereditaments whether corporeal or incorporeal or any undivided part or share therein respectively; and the word "party" shall mean and include any body politic, corporate, or collegiate, as well as an individual.

Construction of words "lands" and "party."

5. In taxing any bill for preparing and executing any mortgage under this Act, the taxing officer, in estimating the proper sum to be charged therefor, shall consider not the length of such mortgage, but the skill and labor employed, and responsibility incurred in the preparation thereof.

Remuneration for mortgage under this act not to be by length only.