

## PREFACE.

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*(Comprising a Sketch of the History of the Registry Laws of Upper Canada—and some Remarks upon the operation of the new Act.)*

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The introduction of a new Act of Parliament relating to the Registration of deeds, providing as it does for important changes in that branch of the law of real property, seems to invite an attempt to elucidate by reference to decided cases the provisions of a statute which will materially affect the property and rights of a large and continually increasing body in the community, and the operation of which will of course be a matter of interest and importance to the legal profession.

In view of the Act coming into operation, the Editor had been for some few weeks engaged in collecting for his own use memoranda of all the decisions of the courts of Upper Canada on the law of registration; and having incidentally learned that the publishers were about to issue from their press an edition of the text of the statute, it occurred to him that a few notes gathered from or referring to these authorities might prove an adjunct to the work of some use to the legal profession and the county registrars of Upper Canada, and perhaps not entirely unacceptable to other classes in the community whose interests or occupations are in one way or other affected by the new Enactment. The suggestion to which this idea led having been favourably received, the compilation of this manual is the result.

It may not be out of place here to present a brief sketch of the history of the law of registration in Upper Canada.

Legislative provision for the registration of deeds was made at an early period in this portion of the Province. In view of the lands holden therein under the authority of the Crown being then shortly to be confirmed by grant from his Majesty, the first Registry Act, 35 George III. chap. v, was passed in August, 1795, within three years after the Constitutional Act. Its provisions seem to have been adopted in great measure from those of the group of English Acts passed in the reign of Queen Anne, whereby registration was introduced in the East and West Ridings of Yorkshire and in Middlesex. The recitals in two of the English Acts in effect state the reasons which led to these enactments to have been that the lands to be affected were chiefly freehold, and the principal portion of the community fre-