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374.
3rd Session, 5th Parliament, 20th Victoria, 1857.

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BILL.

An Act to define the liability of persons
practising as Conveyancers.

Received and read 1st time Thursday, May 14th,
2nd reading Monday, May 18. 1857.

(500 Copies.)

Hon. Mr. PATON.

Toronto: Leader Steam-Press Print.

BILL.

An Act to define the Liability of Person practising as Conveyancers.

WHEREAS many persons unskilled in the laws of Real Property and the Preamble. practise of Conveyancing, are employed to advise on Titles, and to prepare Conveyances and other documents relating to land and to personal property, whereby much loss has occurred through the errors of such unskilful persons, for which the law affords no remedy; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. From and after the passing of this Act, all Deeds of Bargain and Sale, Mortgages, Bonds, Wills, Conveyances and Assurances of Real Estate, Leases, Chattel Mortgages, Bills of Sale of Ships, Mortgages of Ships, Releases, and Agreements, reduced to writing and under seal, which shall be prepared or drawn by any person other than one of the parties thereto for fee or reward, or promise of fee or reward, shall be endorsed with a statement of the name, residence, and occupation of the person who shall so prepare or draw the same. All Deeds and Instruments in writing to be endorsed with the name, residence, and occupation of party drawing the same.

II. Should any person other than one of the parties to the Deed or Instrument in writing prepare or draw, or cause to be prepared or drawn, any Deed of Bargain or Sale, Mortgage, Bond, Will, Conveyance and Assurance of Real Estate, Lease, Chattel Mortgage, Bill of Sale of Ships, Mortgage of Ships, Release, and Agreement, reduced to writing under seal, for fee or reward, or promise of fee or reward, without endorsing upon such Instrument his name, residence, and occupation, such person shall be liable to a penalty of Fifty Pounds, recoverable with costs by civil action at the suit of any party suing for the same, before any Court in Upper Canada having jurisdiction in cases of simple contract to such amount, upon the evidence of any one credible witness other than the plaintiff or party interested, one half of such penalty to belong to the party so suing, and the other half to the Crown: Provided always that the recovery of such penalty shall not in any manner affect the right of recovery for any mistake, error, or negligence, as hereinafter provided. Instrument not endorsed, person preparing the same liable to a penalty.

III. Any person or body corporate shall have and enjoy the same remedy and right of action against the person or persons who shall have so advised on the Title to lands, or drawn, or prepared any such Conveyance, Deed, or Instrument for fee or reward, or promise of fee or reward, by reason of any negligence, mistake, or error therein, as such person or body corporate would now have against any Attorney, Solicitor or Barrister-at-law who should commit a similar mistake, error, or negligence in any such advice or any such deed or instrument. Right of action for negligence against person preparing Deeds or advising as to Title, same as against an Attorney, Solicitor, or Barrister.

IV. This Act shall apply to Upper Canada only.

Act to apply to Upper Canada.