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No. 89.

4th Session, 3rd Parliament, 14 Victoria, 1851.

BILL.

An Act to reduce and regulate the Fees
of Registers in Upper Canada.

Received and read a first time, Monday, 9th
June, 1851.

Second reading, Thursday, 12th June, 1851.

Mr. SMITH (of Durham.)

TORONTO: PRINTED BY LOVELL AND GIBSON.

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B I L L .

An Act to reduce and regulate the Fees of the Registers in Upper Canada.

WHEREAS the expenses now attending the registration of Deeds, Conveyances, Wills, and other incumbrances, on lands, tenements, and hereditaments, in Upper Canada are found to be excessive:—Be it therefore enacted, &c.,

And it is hereby enacted by the authority of the same, <sup>Sect. 16, of
9 V. c. 12,
repealed.</sup> That the sixteenth section of the Act passed in the ninth year of Her Majesty's reign, and intituled, “*An Act to consolidate and amend the Registry Laws of 10 that part of this Province which was formerly Upper Canada,*” shall be, and the same is hereby repealed.

II. And be it enacted, That from and after the passing of this Act, every Register in Upper Canada shall be allowed the following fees and no more, that is to say; for the recording of every deed, conveyance, will, devise or instrument in writing, the sum of *two shillings and sixpence*, in case the same doth not exceed five hundred words; but if the same shall exceed five hundred words, then at the rate of sixpence for every one hundred words therein; and the sum of two shillings and sixpence for the necessary certificate (or certificates, if more than one be required) of every registry; and for searching the Records when not more than four distinct references are made, the sum of *one shilling and three-pence*, and the sum of *one shilling* for every hundred words on the Registry of any Judgment. Provided always, that in no case shall the fees upon a general search into the title of any particular lot, piece or parcel of land, exceed the sum of *two shillings and sixpence*, if the time occupied in such search do not exceed one hour; and in case the same does exceed one hour, then the fees of the Register thereon shall be at the rate of *two shillings and sixpence* for every hour so occupied.

III. And be it enacted, That it shall be lawful for any party upon the payment of the sum of *one shilling and three-pence*, to make extracts from any entry or entries, in the books of any Register, or from any document in his office as such Register: Provided that in case the Register shall be required, and shall furnish or certify any extract therefrom, he shall be entitled to charge at the rate of *sixpence*, for every hundred words in such extract or certificate.

Registers to
keep accounts
of fees re-
ceived, and
account to the
Inspector
General: and
pay over.

IV. And be it enacted, That each and every Register of Deeds in Upper Canada, shall keep in his office a book in which he shall enter every fee or sum of money received by him as Register, which book shall make part of the public records of his office, and shall accordingly be open to public inspection; and shall, during the first

days of January in each year, transmit to the Inspector-General, in such form and with such particulars and details as that officer shall from time to time determine, an account attested by such Register on oath before a County Judge, of all the fees, emoluments, and profits received by him by virtue of his office during the then last year (or during that portion thereof for which this Act shall have been in force, or for which he may have held office as the case may be), and shall at the same time pay over to the Receiver-General, or to such officer or into such Bank as he may have appointed to receive the same, the difference between the sum so received by him, and the sum which by this Act he is authorised to retain; and each Register may retain out of the amount so received by him such sum as shall be equal to a salary, at the rate of per annum for himself; and if the sum so received and accounted for by him, shall exceed the rate of per annum, then he may also retain a sum equal to the salary of one Clerk, at the rate of per annum; and if the sum so received and accounted for exceed the rate of per annum, then he may retain a like sum as the salary of another Clerk, at the same rate, and so on, retaining a like sum as the salary of one clerk, for each clear rate of per annum, by which the sum so received and accounted for shall exceed the rate of per annum; and after deducting therefrom their fixed salary as aforesaid, and the remuneration of their Clerk or Clerks as aforesaid, the said Registers shall respectively be entitled, for their own use and benefit, to a commission of twenty per cent. on the balance of the sums acknowledged by them in their accounts, as remaining in their hands; and all such salaries and allowances shall be calculated for any broken period *pro rata*, and as if accruing *de die in diem*, at the rates above mentioned; and every Register removed or otherwise ceasing to hold office, or the personal representatives of such as may die in office, shall transmit to the Inspector-General an account as aforesaid, for any period that shall have elapsed between the rendering of the then last account and such removal, going out of office or decease, and any sum which by any such account, or by the books kept as aforesaid in default of such account, if such books have been regularly kept, shall, until the same be paid over to the Receiver-General, or some officer or Bank appointed by him to receive the same, be a debt due to the Crown by the Register, and may be recovered as such with costs; and if such books shall not have

What sums
the Register
may retain for
his services.

Further allow-
ance of per
centage on the
balance.

As to
Registers
dying or
otherwise
ceasing to hold
office.

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been regularly kept, or shall be proved to be erroneous,
then the amount of such debt shall be held to be a sum
equal to the then last year's receipts of such office, for
a like period, and that sum may be recovered accordingly
5 by the Crown with costs; and any moneys paid over
to the Receiver-General under this Act shall form part
of the Consolidated Revenue Fund, and if in any case,
the sum actually received as aforesaid by any Register
shall not be equal to his salary for the time, at the rate
10 of per annum, the balance shall be paid to
him out of the said Consolidated Revenue Fund.

A certain sal-
ary assured to
each Register,