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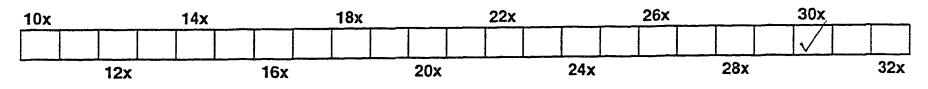
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No.	89.
No.	89.

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.

and the second second

Mr. SMITH (of Durham.)

TORONTO: PRINTED BY LOVELL AND GIBSON.

BILL.

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

WHEREAS the expenses now attending the registra- Preamble. tion of Deeds, Conveyances, Wills, and other incumbrances, on lands, tenements, and hereditaments, in Upper Canada are found to be excessive :--Be it there-5 fore enacted, &c.,

And it is hereby enacted by the authority of the same, Sret. 16. of That the sixteenth section of the Act passed in the ⁹V. c. 12, 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the Registry Laws of 10" that part of this Province which was formerly Upper "Canada," shall be, and the same is hereby repealed.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 What fees this Act, every Register in Upper Canada shall be allowed hereafter be the following fees and no more, that is to say; for the entitled to. 15 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 20 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
- 25 sum of one shilling for every hundred words on the Registry of any Judgment. Provided always, that in no case Proviso: as to shall the fees upon a general search into the title of any searches. particular lot, piece or parcel of land, exceed the sum of two shillings and sixpence, if the time occupied in such
- 30 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 Parties may 35 party upon the payment of the sum of one shilling and threepence, to make extracts from any entry or entries, in the fee. books of any Register, or from any document in his office as such Register: Provided that in case the Register shall Proviso. be required, and shall furnish or certify any extract there-40 from, he shall be entitled to charge at the rate of sixpence,

for every hundred words in such extract or certificate.

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Registers to keep accounts of fees received, and account to the Inspector ef General: and pay over.

IV. And he 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 cr sum of money received by him as Register, which book shall make part of the public records of his office, and shall accordingly 5 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 be- 10 fore 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 15 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 20 muy retain for 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 25 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 30 per annum, by which the sum each clear rate of so received and accounted for shall exceed the rate of

per annum; and after deducting therefrom their ance of per fixed salary as aforesaid, and the remuneration of their centage on the Clerk or Clerks as aloresaid, the said Registers shall re- 35 spectively 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 rota, and 40 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 45 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 50 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

his services.

Further allowbalance.

As to Registers dying or otherwise ceasing to hold office.

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- to the Receiver-General under this Act shall form part of the Consolidated Revenue Fund, and if in any case, A certain salthe sum actually received as aforesaid by any Register ary assured to each Register, shall not be equal to his salary for the time, at the rate
- per annum, the balance shall be paid to 10 of him out of the said Consolidated Revenue Fund.