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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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BILL.

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

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

Preamble.

And it is hereby enacted by the authority of the same,
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Canada," shall be, and the same is hereby repealed.

Sect. 16, of
9 V. c. 12,
repealed.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
15 recording of every deed, conveyance, will, devise or
instrument in writing, the sum of *two shillings and six-
pence*, 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 Re-
gistry 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
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.

What fees
Registers shall
hereafter be
entitled to.

Proviso: as to
searches.

III. And be it enacted, That it shall be lawful for any
35 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 there-
40 from, he shall be entitled to charge at the rate of *sixpence*,
for every hundred words in such extract or certificate.

Parties may
make extracts,
on paying a
fee.

Proviso.

Registers to keep accounts of fees received, 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 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 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 15

What sums the Register may retain for his services.

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 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

Further allowance of per centage on the balance.

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 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 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 rata*, 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

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.