

No. 96.

2nd Session, 5th Parliament, 19 Victoria, 1856.

BILL.

**An Act to provide in a more certain manner
for order in Enregistration, and to facili-
tate Enregistrations and Searches in the
Registry Offices of Lower Canada.**

**Received and read, first time, Monday, 10th
March, 1856.**

Second reading, Wednesday, 13th March, 1856.

MR. PREVOST.

TORONTO:

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An Act to provide in a more certain manner for order in
Enregistration, and to facilitate Enregistrations and
Searches in the Registry Offices of Lower Canada.

WHEREAS it is necessary to make provision for better ascertaining
the order of the deposit of documents in the Registry Offices of
Lower Canada, and for facilitating Registrations and Searches in the
said Offices: Her Majesty, by and with the advice and consent of the
Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The Minute or Day Book mentioned towards the end of the twentieth
section of the Registry Ordinance of one thousand eight hundred and
forty-one, shall, from and after the expiration of one hundred days from
the passing of this Act, be authenticated in the manner required by the
nineteenth section of the said Ordinance with regard to the Registers used
for registration, and the Registrars shall, besides the entries which they
are bound to make in the said Minute or Day Book, enter in numerical
order the documents which shall be delivered to them for registration;
and they shall give to any person requiring the same on delivering any
document for registration, and without demanding any fee therefor, an
acknowledgement stating the number under which such delivery is enter-
ed in the said Minute or Day Book.

Minute Books
to be authen-
ticated.Acknowledg-
ment with
number to be
given to per-
sons requiring
registration.

II. Registration may be made by means of extracts from Notarial
Instruments made in the manner prescribed by the tenth section of the
Act for the organization of the Notarial Profession passed in the Session
held in the thirteenth and fourteenth years of Her Majesty's Reign, chap-
tered thirty-nine; and such registration shall have the same effect with
respect to the extract as the registration of a copy of such instrument at
full length, as prescribed by the fifth section of the Act concerning Regis-
tration passed in the seventh year of Her Majesty's Reign, chaptered
twenty-two; the fee of the Registrar for the certificate endorsed on such
extract shall be that fixed by the first section of the Act relative to
Registration passed in the eighth year of Her Majesty's Reign, chaptered
twenty-seven,—that is to say, *one shilling and six pence* currency.

Extracts of
Notarial In-
struments
may be regis-
tered.Fees on such
registration.

III. It shall be lawful for any person who shall wish to make a search
in any of the said Offices to do so in the presence of the Registrar, on
paying him *one shilling* for each such search which shall not last more
than half an hour, and *one shilling* more for each additional half hour,
unless the Registrar shall himself prefer to make the said searches, in
which case he may demand *two shillings* currency for every person whose
name shall be given to him; and the tariff of fees fixed by section forty-
eight of the Registration Ordinance is hereby altered in respect of such
charge: and in case no registration shall be found to be effected against
the person whose name shall have been given to him, the Registrar shall

Searches may
be made by
the persons
applying for
them, unless
the Registrar
prefer making
them.

Fees.

- Certificate. be bound to give to any one applying to him therefor, a certificate to that effect, upon payment by the party requiring the same, of *two shillings and six pence* currency.
- Penalty on Registrars not complying with all requirements of law. How removable. IV. Every Registrar shall, in the performance of his duties, comply with all the requirements of this Act, as well as with those of all other Acts relating to the Registration of Deeds, under a penalty not exceeding *ten pounds* currency for the first contravention of such requirements and of removal from office for the second, without prejudice to damages payable to any party, which may be recovered as well as the penalty (with costs) before any Court having jurisdiction in civil matters to the amount, by the party aggrieved by such contravention. 5 10
- As to memorials executed by persons who cannot write. V. The signature under which any memorial shall be executed, may be written by the hand of any other person when the person requiring the registration of such memorial does not know how to write, provided his name be accompanied by his ordinary mark which he shall make in the presence of the witnesses to the execution of the memorial; and this provision shall be held to have been the law from the time when the Registry Ordinance was brought into force. 15