



**No. 137.**

---

---

**1st Session 4th Parliament, 16 Victoria, 1852.**

---

---

**B I L L .**

**An Act to amend the Registry Laws of  
Upper Canada.**

---

---

**Received and read first time, Thursday, 30th  
September, 1852.**

**Second reading, Tuesday, 5th Oct., 1852.**

---

---

**(450 Copies.)**

**Hon. Mr. Atty. Genl. RICHARDS.**

---

---

**S. Derbishire and G. Desbarats, Queen's Printer.**

BILL.

An Act to amend the Registry Laws of Upper Canada.

**W**HEREAS the recent changes in the Territorial Divisions of Upper Canada, have rendered it necessary to make certain changes in the Registry Laws of that Section of the Province : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in every case where any City, Town, Township, reputed Township or place, there-  
 15 before making part of any County in Upper Canada, in and for which a separate Registry Office is or shall be kept, has been or shall be detached from such County and attached to or become part of another County in and for which a separate Registry Office is or shall be kept, the Registry Book or Books kept for such City, Town, Township, reputed Township or  
 20 place under the provisions of the twenty-second 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 that part of this Province which was formerly Upper Canada*, shall be delivered by the Register of the County from which such City, Town, Township, reputed Township or place is or shall be detached, to the Register of the County to which the same is or shall be attached, to be kept by him among the Register Books of his office, and dealt with in all respects by him and his  
 30 successors in office in like manner as the Registry Books originally made and kept therein : Provided always, that a statement of such titles of or relating to lands lying in such City, Town, Township, reputed Township or place, as may have been registered before separate Register Books were kept for each  
 35 Township or place, under the authority of the said Act, shall be furnished by the Register of the County from which such Township or place shall have been detached, to the Register of the County to which the same shall have been attached, in the manner provided by the thirty-second section of the Act last  
 40 above cited.

Preamble.

When any place is detached from a County for registration purposes, the Registry Books relating thereto shall be delivered over to the Registrar of the County to which such place is attached, 9 V. c. 34.

Proviso : statement to be delivered of titles registered before separate Books were kept for each place.

II. And be it enacted, That no Register Book shall after the passing of this Act be furnished by the Secretary of the Province to any Register in Upper Canada under the twenty-second section of the Act hereinbefore recited, but whenever any Register shall require a new Register Book, the same shall be furnished to him by the Treasurer of the County on his application therefor, and shall be paid for by such Treasurer out of the County Funds; and the Certificate now given by the Provincial

Register Books not to be furnished hereafter by the Province, but by the County.

Secretary in and with regard to any such Register Book, or one to a similar effect, shall be given by the Judge of the County Court having jurisdiction in such County, on the application of the Register, and such Certificate shall be in the form or to the effect in the Schedule to this Act annexed; and if such Treasurer shall refuse or neglect to furnish such book within thirty days after the application of the Register, the Register may provide the same, and recover the cost thereof from the Municipality of the County. And such Register Books shall be as nearly as may be of the like size and description as those heretofore furnished to Registers in Upper Canada by the Provincial Secretary under the said twenty-second section of the said Act.

Size and form to be the same as at present.

Every County sending a Member, to have a separate Registry Office.

III. And be it enacted, That from and after the passing of this Act, each County in Upper Canada, now entitled to return a Member or Members of the Legislative Assembly to represent such County in the Provincial Parliament, shall be also entitled to have a separate Registry Office for the registration of titles, and Registers shall be appointed accordingly.

When a deed, &c. relates to lands in several localities in the same County, only one memorial need be furnished.

IV. And be it enacted, That when any Deed, Will or other Instrument, shall embrace different lots or parcels of land situate in different localities in the same County, it shall only be necessary to furnish one Memorial of such Deed, and such Memorial shall be copied into the Register Book for the City, Town, Township or place in which the different parcels or lots of land are situate, so far only as it relates to the lands situate within such City, Town, Township or place respectively, and the Register shall make the necessary Entries and Certificates accordingly: Provided always, that only one Certificate of Registry shall be allowed or charged for, and that in counting folios to be charged for, the marginal certificates, notes or references shall not be included.

Proviso.

Fees to be hereafter allowed to Registrars.

V. 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 drawing Affidavit of Execution of Instrument and Memorial brought to be registered, if done by the Register or his Deputy, including swearing and all certificates thereof *two shillings and six-pence*.

For recording every Deed, Conveyance, Will, Power of Attorney or Agreement, including all necessary Entries and Certificates, *six shillings and three-pence*, but in case such Entries and Certificates exceed eight hundred words, at the rate of *eight-pence* for every additional hundred words.

For registering Certificate of Judgment *two shillings and six-pence*, satisfaction thereof *two shillings and six-pence*.

For entering Certificate of Payment of Mortgage Money, including all Entries and Certificates thereof *two shillings and six-pence*.

- 5 Drawing Affidavit of the Execution thereof, including the swearing of the witness, when done by the Register or his Deputy *two shillings and six-pence*.

For searching Records relating to the title of any lot or parcel of land not exceeding four references *one shilling and three-pence*, and *one shilling and three-pence* for every additional four distinct references, and so in proportion for every number of searches made.

For every Extract furnished by the Register, including Certificate *nine-pence* for every one hundred words contained  
15 in such Extract and Certificate.

VI. And be it enacted, That the sixteenth Section of the said in part recited Act shall be, and the same is hereby re-  
pealed. Sect. 16 of 9  
V. c. 34, re-  
pealed.

VII. And be it enacted, That the word "County" in the  
20 foregoing provisions of this Act, shall mean any County or  
union of Counties for which a Registry Office is or shall be  
required by law to be kept. Interpretation  
clause.

#### SCHEDULE.

*Form of Certificate referred to in the second Section of this Act.*

This Register contains \_\_\_\_\_ pages, and is to be  
used in and for the (City, Town or Township of, as the case may  
25 be) in the County of \_\_\_\_\_ for the Enregistration of  
Memorials, under the provisions of the Act of the Legislature  
of the Province of Canada, passed in the ninth year of Her  
Majesty's Reign, and intituled, *An Act to consolidate and amend  
the Registry Laws of that part of this Province which was  
30 formerly Upper Canada*, and of the Act of the said Legislature  
amending the same, and is provided in pursuance of the  
requirements of the said Statute.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the  
year of Our Lord, one thousand eight hundred and fifty

*Judge of the County Court of*