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[No. 207.]

5th Session, 8th Parliament, 29-30 Victoria, 1866.

B I L L

An Act respecting the inspection of Registry Offices, and the making of the plans and books of reference for registration purposes in Lower Canada.

Received and read 1st time, Friday 13th July,
1866.

Second reading, Tuesday, 17th July, 1866.

Hon. Mr. Atty. Genl. **CARTIER.**

Printed by G. E. DESBARATS.

An Act to provide a fund towards defraying expenses incurred for matters necessary to the efficiency of the Registry Laws of Lower Canada.

WHEREAS it is expedient to create a fund for defraying the expenses incident to the inspection of Registry Offices in Lower Canada, and to the making of the plans and books of reference required by chapter thirty-seven of the Consolidated Statutes for Lower Canada, respecting the registration of documents affecting real property : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. There shall be imposed, levied and collected on each deed, instrument or document registered in any Registry Office in Lower Canada, on or after the day to be fixed for that purpose by Order of the Governor in Council, to be published in the *Canada Gazette* during at least one month before such day, and on every search made in any such Registry Office on or after the said day, such duties respectively, as shall be fixed in such order as aforesaid, not exceeding the following rates, that is to say :

Duty on documents registered.

How to be imposed.

On every will, marriage contract or donation 30 cents. Maximum rates.

On every deed or instrument effecting or evidencing the sale, exchange, hypothecation or mortgage of real property, for a sum or consideration exceeding in value \$400 30 cents.

On every other deed or instrument 15 cents.

On every search with or without certificate 5 cents.

25 Provided, that by any subsequent order to be published in like manner, the Governor in Council may, from time to time, increase or diminish the said duties, or any of them, but so as not in any case to exceed the rates aforesaid.

Proviso.

2. The said duties shall be paid by the party requiring the registration or the search, and shall form a fund for defraying expenses incident to the inspection of Registry Offices, and the making of the plans and books of reference, required under the thirty-seventh chapter of the Consolidated Statutes for

Payable by stamps, unless otherwise ordered.

27, 28 V. C. 5,
to apply.

Lower Canada, and (except in the cases hereinafter provided for) shall be payable by stamps, under the provisions of the Act passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, intituled: *An Act for the collection by means of Stamps, of Fees of Office, Dues and Duties payable to the Crown upon Law Proceedings and Registrations*, and such Stamps shall be procured by the Finance Minister and delivered by him to the Receiver General as provided by the said Act, all the provisions whereof not inconsistent with this Act shall, in so far as they may be applicable, apply to the Stamps to be issued for the purposes of this Act, and to all matters incident to such stamps, which shall be held to be stamps issued under the said Act. 5 10

Certificate of registration ineffectual without stamp.

3. No certificate of the Registration of any deed, instrument or document on which a duty payable by stamps is then imposed by any order in Council made under this Act, shall be of any effect, or be received in any Court as evidence of such registration, unless the proper stamp for the payment of such duty is attached to such certificate of registration, whether such certificate be written on such deed, instrument or document or given separately; saving always, the power vested in the proper Court or Judge by section eighteen of the Act above cited, to allow stamps to be affixed on application of any party, on conditions to be imposed by the Court or Judge under the provisions of the said section. 15 20 25

Proviso.

Registrars to keep record of searches.

4. Each Registrar in Lower Canada shall keep a book in which he shall enter briefly day by day and as they occur, a note of every search made in his office, on or after the day on which a duty shall become payable thereon as aforesaid, and the fee paid for each, and this whether he shall or shall not grant any certificate of such search; and opposite to each such note he shall affix a stamp for the duty payable for such search if such duty be then payable by stamps. 30

Provision for payment in money in certain places, or during a certain time.

5. Provided always, that inasmuch as it may not be found convenient that such duties should be paid in stamps during a certain time or in certain Registration Divisions, therefore the Governor in Council may from time to time direct that in all or any of the Registration Divisions in Lower Canada, the said duties shall, during a certain time or until it shall be otherwise ordered, be paid in money and accounted for in such manner as shall be directed in the order in Council in that behalf;—and so much of the three next preceding sections as depends upon the payment of such duties in stamps, shall not apply to deeds, instruments or documents registered or searches made in any Registration Division while such duties shall be payable in money therein;—but any order in Council under this Act, or any provision in any such order, may from time to time be repealed or altered by any subsequent order, and the duties in any Registration Division shall be payable 35 40 45

Order in council may be altered, &c.

in money or in stamps according as it may be provided by the order in Council then in force in that behalf.

6. All stamps affixed by any Registrar under this Act, shall be cancelled by him at the time of affixing the same in the manner prescribed by section twenty of the Act aforesaid. ^{Cancelling stamps.}

7. This Act shall be construed as part of the Act aforesaid and as forming one Act with it. ^{Interpretation.}