

*The Statutes of His Majesty's Province of Upper-Canada, Passed in the second session of the seventh provincial parliament of Upper-Canada (1818).* York: R. C. Horne, 1818.

58 George III – Chapter 8 (Session 2)

**An Act to provide for the Registering of Deeds, Conveyances, Wills and other Incumbrances, which may affect any Lands, Tenements and Hereditaments, the same being Executed in the United Kingdom of Great Britain and Ireland, or in any of His Majesty's Colonies, and to amend an Act passed in the Thirty-fifth Year of His Majesty's Reign, entitled "An Act for the Public Registering of Deeds, Conveyances, Wills, and other Incumbrances, which shall be made, or may affect any Lands, Tenements or Hereditaments within this Province." Passed 1st April, 1818.**

Whereas it is expedient to amend the Provisions of an Act passed in the Thirty fifth Year of His Majesty's Reign, entitled "An Act for the Public Registry of Deeds, Conveyances, Wills and other Incumbrances, which shall be made or may affect any Lands, Tenements or Hereditaments within this Province." And whereas great inconvenience and difficulties have arisen in cases where Persons residing in Great Britain and Ireland, or in any Colony belonging to His Majesty, who may have had occasion to execute any Deed or Conveyance, or to have made or published any Will, whereby any Lands or Tenements within this Province, may be affected, by reason of the difficulty of Registering the same, according to the directions of the said recited Act: for remedy whereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That from henceforth, whenever any Person or Persons, residing in Great Britain or Ireland, or in any Colony belonging to the Crown of Great Britain, shall or may have occasion to execute any Deed or Conveyance, or make or publish any Will whereby any Lands or Tenements within this Province may be affected, it shall and may be Lawful to and for the Parties concerned, to execute a Memorial of any such Deed, Conveyance, or Will, or Probate of the same, in like manner as is authorised and directed by the said in part recited Act.

II. And be it further enacted by the authority aforesaid, That any Memorial of any such Deed or Conveyance, which shall have been or may hereafter be executed or published in any part of Great Britain or Ireland, or in any Colony belonging to the Crown of Great Britain, shall be entered or Registered by the Register or his Deputy of any County or Counties within this Province, in case an Affidavit shall have been sworn, or shall hereafter be sworn, before the Mayor or Chief Magistrate of any City, Borough, or Town Corporate in Great Britain or Ireland, or the Chief Justice or Judge of the Supreme Court

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of any Colony belonging to the Crown of Great Britain, and be brought to the said Register or his Deputy, wherein one of the Witnesses to the Execution of such Deed or Conveyance shall have sworn, or shall hereafter swear, he or she saw the same, as also the Memorial thereof Executed; and in case of Wills, one of the Witnesses to the Memorial of such Will or probate thereof shall have proved, or shall hereafter prove the Execution of such Memorial, the same shall be a sufficient authority to the said Register or his Deputy, to give the Party that brings such Deed or Conveyance, Will or Probate thereof, and the Memorial of the same, together with such affidavit, a Certificate of the Registry of the same, in like manner as if the Execution thereof had been proved, before the said Judge, Commissioner, Register or his Deputy aforesaid.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, in such cases where the Witnesses to any Deed, Conveyance, or Instrument incumbering Land in this Province shall be dead, it shall and may be Lawful for the Grantee or Grantees, his or their Heirs, Executors or Administrators, Guardians or Trustees, to make proof before the Justices in Quarter Sessions assembled, of the Execution of such Instrument, and upon Certificates signed by the Chairman, and Witnessed by the Clerk of the Peace, that the Majority of the Magistrates present in such Sessions were satisfied by such Proof, of the due Execution of such Instrument, it shall and may be Lawful for the Register of the said County to Register a Memorial of such Instrument, together with the Certificate, which Registration shall have the same force and effect, as that of a Memorial Registered according to the Provisions of the before recited Act, passed in the Thirty-Fifth Year of His Majesty's Reign, and no other.

IV. And be it further enacted by the authority aforesaid, That it shall and may Lawful for the Justices of the Peace in each and every District in this Province, in Quarter Sessions Assembled, to receive such Evidence upon Oath, and that if any Person or Persons shall at any time forswear him, her, or themselves, before such Magistrates, he, she, or they shall incur, and be liable to the same Penalties, as would have been incurred upon Conviction for Wilful and Corrupt Perjury, in any evidence given in His Majesty's Court of King's Bench, in this Province, in any Cause there depending.

V. And be it further enacted by the authority aforesaid, That no Certificate to be Granted as aforesaid, by any such Mayor or Chief Magistrate, of any City, Borough or Town Corporate in Great Britain or Ireland, or of any Colony belonging to the Crown of Great Britain, shall have any force or effect, unless the Seal of such City, Borough, or Town Corporate shall be affixed thereto.