



A N N O N O N O

V I C T O R I Æ R E G I N Æ .

C A P . X X X I V .

An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada.

[9th June, 1846.]

WHEREAS it is expedient to revise the several Laws now in force respecting the Public Registering of Deeds, Conveyances, Wills, and other incumbrances which may affect any Lands, Tenements or Hereditaments, in Upper Canada; And whereas, also, it is desirable that some provision should be made for the Registering of Judgments: 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 the Act of the Legislature of the late Province of Upper Canada, passed in the thirty-fifth year of the Reign of His late Majesty King George the Third, and intituled, *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*; and the Act of the said Legislature, passed in the thirty-seventh year of the same Reign, and intituled, *An Act to supply the want of enrolment of Deeds of Bargain and Sale*; and the Act of the said Legislature passed in the fifty-eighth year of the same Reign, and intituled, *An Act to provide for the Enregistering 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 Her Majesty's Colonies, and to amend an Act passed in the thirty-fifth year of His Majesty's Reign, intituled, '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';* and the Act of the said Legislature, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act concerning the release of Mortgages*; shall be and the said Acts are hereby repealed.

Preamble.

U. C.
35 Geo. 3. c. 5.

U. C.
37 Geo. 3. c. 8.

U. C.
58 Geo. 3. c. 8.

U. C.
4 Will. 4. c.
16.
Repeal.

II. And be it enacted, That no proceeding, matter or thing, had or done under and by virtue of the above repealed Acts, shall be altered or rendered invalid by the passing of this Act.

Proceedings
under the said
Acts to remain
valid.

III.

A Registry Office to be kept in each County in Upper Canada.

III. And be it enacted, That there be a Registry Office kept in each and every County in Upper Canada by a Register appointed as hereinafter provided, being resident therein; and that when and so often as any new County shall be formed in Upper Canada, it shall and may be lawful for the Governor of this Province to appoint a proper and sufficient person to hold and perform the duties of the Office of Register therein, and also in like manner to fill up any vacancy or vacancies which may occur either by death, resignation, removal, or forfeiture of any of the Registers heretofore or hereafter to be appointed for any such County: Provided always, that all such appointments shall be made under the Great Seal of this Province, and some convenient place in the County shall be named in the Commission, where the office of the Register shall be held until otherwise ordered.

Proviso.

A Register to be appointed in each County.

IV. And be it enacted, That there shall be a Register appointed, to be resident in each and every County in Upper Canada, who shall keep an office in the same at the place named in his Commission, or at such other place as may be appointed by proclamation, according to the provisions of this Act.

Registers may appoint Deputies.

V. And be it enacted, That it shall and may be lawful for any Register appointed, or hereafter to be appointed, for any County in Upper Canada, from time to time, and so often as such Register shall think fit, to nominate a Deputy in his office, and to remove him, and appoint another in his place, whenever he may think it necessary to do so: Provided always, that in case of the death, resignation, removal or forfeiture of office of any Register, it shall and may be lawful for the Deputy Register for the time being to do and perform all and every act, matter and thing, necessary for the due execution of the said office, until a new appointment shall be made.

Proviso.

What deeds and Instruments may be registered.

VI. And be it enacted, That from and after the confirmation of any Lands to any person or persons, by grant from the Crown, a memorial of all Deeds and Conveyances which shall be made and executed, and of all Wills and Devises in writing made or to be made and published, when the Devisor or Testator shall die, after making and publishing of the same, of or concerning and whereby any lands, tenements or hereditaments, in any County or Riding of that part of this Province called Upper Canada, may be in anywise affected in law or equity, may, at the election of the party or parties concerned, be registered in such manner as is hereinafter directed; and that every Deed and Conveyance that shall, at any time after any memorial is so registered, be made and executed of the lands, tenements or hereditaments, or any part thereof, comprised or contained in any such memorial, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such memorial be registered as by this Act is directed, before the registering of the memorial of the Deed or Conveyance under which such subsequent purchaser or mortgagee shall claim; and that every devise by Will of the lands, tenements or hereditaments, or of any part thereof, mentioned and contained in any memorial registered as aforesaid, and that shall be made and published after the registering of such memorial, shall be adjudged fraudulent and void against a subsequent purchaser or mortgagee for valuable consideration, unless a memorial of such Will be registered in such manner as hereinafter directed; and a memorial of any further mortgage or mortgages (whether legal or equitable) to a first mortgagee or mortgagees, shall in like manner be registered

Deeds not registered to be void as against subsequent purchasers whose Deeds are registered.

The same as to devises.

And as to further mortgages to a first mortgagee.

registered

registered before it can or shall prevail against a second mortgagee of the whole or any part of the lands, tenements, hereditaments and premises comprised in the first mortgage.

VII. And be it enacted, That all and every memorial or memorials to be entered and registered, shall be put into writing, and brought or transmitted to the said office, and in case of Deeds and Conveyances, shall be under the hand and seal of some or one of the Grantors, or some or one of the Grantees, his or their Heirs, Executors or Administrators, Guardians or Trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such Deed or Conveyance, which witness shall, upon oath (except in cases otherwise provided for by this Act) before the said Register or his Deputy, or before any Judge of Her Majesty's Court of Queen's Bench, or any Judge of a District Court, or any Commissioner of the said Court of Queen's Bench in Upper Canada, prove the signing and sealing of such memorial, and the execution of the Deed or Conveyance mentioned in such memorial; and in case of Wills, the memorial shall be under the hand and seal of some or one of the Devisees, his or their Heirs, Executors or Administrators, Guardians or Trustees, attested by two witnesses, one whereof shall, upon oath before either of the parties aforesaid, prove the signing and sealing of such memorial, which respective oaths the said several parties hereinbefore mentioned are hereby empowered to administer, and shall endorse a certificate thereof on every such memorial and sign the same.

Memorials must be put in writing and brought to the office.

On what evidence they shall be registered.

VIII. And be it enacted, That every memorial of any Deed, Conveyance or Will shall contain the day of the month and the year when such Deed, Conveyance or Will bears date, and the names and additions of all the parties to such Deed, Conveyance or Will, or the Devisor or Testatrix of such Will, (as mentioned or set forth in such Deed, Conveyance or Will,) and of all the witnesses to such Deed, Will or Conveyance, and the places of their abode, and shall express or mention the lands, tenements or hereditaments contained in such Deed, Will or Conveyance, and the names of all the Townships or Parishes within the said County or Counties, Riding or Ridings, where any such lands, tenements or hereditaments are lying or being, that are given, granted, conveyed, devised, or any way affected or charged by any such Deed, Will or Conveyance, in such manner as the same are expressed or mentioned in such Deed, Will or Conveyance, or to the same effect; and that such Deed, Conveyance, or Will, or Probate of the same, of which such memorial is to be registered as aforesaid, shall be produced to the said Register or his Deputy at the time of entering such memorial, who shall endorse a certificate on every such Deed, Conveyance and Will, or Probate thereof, and therein mention the certain day, hour and time on which such memorial is entered and registered, expressing also in what book, page and number the same is entered, and that the said Register or his Deputy shall sign the said certificate when so endorsed, which certificate shall be taken and allowed as evidence of such respective registers in all Courts of Record whatsoever; and that every page of such Register Book, and every memorial that shall be entered therein shall be numbered, and the day of the month and the year and hour or time of the day when every memorial is registered, shall be entered in the margins of the said Register Books and of the said memorial; and that every such Register shall keep an alphabetical calendar of all Townships and Parishes within the said County or Counties, Riding or Ridings,

Memorial of any Deed, &c., to contain date of such Deed, &c.

Ridings, with reference to the number of every memorial that concerns the lands, tenements or hereditaments in every such Township or Parish, respectively, and of the names of the parties mentioned in such memorial ; and the said Register shall enter or register the said memorials in the same order that they shall respectively come to his hand.

Deeds, &c.,
executed in
Upper Canada
on what evi-
dence to be re-
gistered.

IX. And be it enacted, That a memorial of any such Deeds, Conveyances, Wills, or Probate thereof, as shall be made and executed or published in any place within Upper Canada aforesaid, other than the County in which the lands mentioned therein lie, shall be entered and registered by the Register or his Deputy as aforesaid, provided an affidavit, sworn before one of the Judges of the Court of Queen's Bench, or a Judge of any District Court within his District, or a Commissioner duly authorized to take affidavits in the Court of Queen's Bench in Upper Canada, be brought to the said Register or his Deputy, wherein one of the witnesses to the execution of such Deed, Conveyance or Will, shall swear to the execution of the same, and also to the place where the same was executed ; and the same shall be a sufficient authority to the said Register or his Deputy to give the party that brings such Deed, Conveyance, Will, or Probate thereof, and affidavit, a certificate of the registering the same, which certificate, signed by the said Register or his Deputy, shall be taken and allowed as evidence of the registry of the same, in all Courts of Record in this Province ; anything in this Act to the contrary thereof in any wise notwithstanding.

Deeds, &c.,
executed out
of Upper Ca-
nada on what
evidence to be
registered.

X. And be it enacted, That a memorial of any such Deed, Conveyance or Will, as aforesaid, which shall have been or may be hereafter executed or published in any place without the limits of Upper Canada, shall be registered as aforesaid by the Register or his Deputy of any County in Upper Canada, in case an affidavit or declaration in writing in cases where by law a declaration is substituted for an affidavit, shall have been or shall hereafter be sworn before the Mayor or Chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, under the Common Seal of such City, Borough or Town Corporate, or before the Chief Justice or Judge of any Court of Queen's Bench in Lower Canada, or of the Supreme Court of any Colony belonging to the Crown of Great Britain, or before the Mayor of any City, Borough or Town Corporate, in any foreign country, or any Consul or Vice-Consul of Her Majesty resident therein, and be brought to the said Register or his Deputy, wherein one of the witnesses to the execution of such Deed, Conveyance or Will, shall have sworn, or shall hereafter swear to the execution of the same in the manner hereinbefore provided, and also to the place where the same was executed, and in case of Wills, one of the witnesses thereto shall have sworn or shall hereafter swear to the making and publishing of the said Will : Provided always, that on producing the Will, or the Probate thereof, together with such affidavit, the Register or his Deputy shall and may record the same, and the said Register or his Deputy shall file the said affidavit, and shall endorse a certificate on the said Deed, Conveyance, Will, or Probate thereof, which certificate shall have the same effect as if the said affidavit had been made before the said Register or his Deputy : Provided also, that no such memorial shall be registered unless the Deed, Conveyance, Will or Probate, to which such memorial shall relate, shall be identified as that referred to in such affidavit or affirmation, by a certificate thereof under the hand of such Judge or Commissioner, or other person before

Proviso.

Proviso as to
cases where
the registry
may be pre-
vented without
the fault of the
devisee.

before whom the affidavit or affirmation was made or taken, to be endorsed on such Deed, Conveyance, will or Probate.

XI. And be it enacted, That when the witnesses to any Deed, Conveyance or Will, as aforesaid, shall be dead, or shall be permanently resident out of this Province, it shall and may be lawful for the Grantee or Grantees, his or their Heirs, Executors, Administrators, Guardians or Trustees, or their Assignee or Assignees, to make proof before the Justices in General Quarter Sessions assembled in any District of this Province, of the execution of such instrument, and upon a certificate, signed by the Chairman and witnessed by the Clerk of the Peace, that the majority of the Magistrates present in such Session assembled, were satisfied by the proof adduced of the due execution of the said instrument, it shall and may be lawful for the Register of the said County, or his Deputy, to record the said Deed, Conveyance, or other instrument as aforesaid, in manner hereinbefore mentioned, together with the said certificate and to certify the same, which certificate, from the Register or his Deputy, shall have the like effect as the certificate to be granted in all other cases.

Case in which the witnesses may be dead or reside permanently out of the Province provided for.

XII. And be it enacted, That all Wills, or the Probate thereof, shall be recorded as aforesaid, within the space of twelve months after the death of every respective Devisor, Testator or Testatrix, shall be as valid and effectual against subsequent purchasers, as if the same had been recorded immediately after the death of such respective Devisor, Testator or Testatrix; anything herein contained to the contrary thereof in any wise notwithstanding: Provided always, that in case the Devisee, or person or persons interested in the lands, tenements or hereditaments, devised in any such Will as aforesaid, by reason of the contesting such Will, or by any other inevitable difficulty, without his, her, or their wilful neglect or default, shall be disabled from the recording the same within the respective times hereinbefore limited, then and in such case the recording the same within the space of twelve months next after his, her, or their attainment of such Will or Probate thereof, or the removal of the impediment aforesaid, shall be a sufficient recording within the meaning of this Act; anything herein contained to the contrary hereof in anywise notwithstanding.

Wills may be registered with effect within twelve months after the death of the Testator.

Proviso

XIII. And be it enacted, That when and so often as any Judgment shall be entered up in any Suit or Action in any Court of Record in Upper Canada, whereby any lands, tenements or hereditaments within the same, are or may be affected, it shall and may be lawful for the Plaintiff or Plaintiffs, Defendant or Defendants in such Action, his or their Attorney, to obtain a certificate from the Clerk of the Court in which such Judgment is obtained in his or their favor, which certificate the said Clerk is hereby authorized and required to give, and to charge two shillings and six pence, currency, for the same, in the following form:

Certificate of judgment binding lands, how obtained.

2s. 6d.

“ In the Court of _____ (as the case may be,) Form.
 “ I hereby certify that Judgment was entered up between A. B., Plaintiff, and
 “ C. D., Defendant, on the _____ day of _____ in a
 “ plea of _____ for _____ pounds,
 “ debt (or damages) _____ and _____ pounds, costs.
 “ E. F., Clerk.”

And

Such certificate may be registered; effect of such registration.

And the party obtaining such certificate, his or their Attorney, shall carry the said certificate to the Register or Deputy Register of the County or Counties wherein the lands, belonging to the party or parties against whom such judgment is entered, lie, who, upon the receipt thereof, under the signature of the Clerk and under the seal of the Court, shall record the same; and every such Judgment shall affect and bind all the lands, tenements and hereditaments belonging to the party against whom such Judgment is rendered, from the date of the recording of the same, in the County wherein such lands, tenements or hereditaments lie, in like manner as the docquetting of Judgments in England affects and binds lands: Provided always, that no unregistered Judgment, entered after the passing of this Act, shall take effect against a prior registered Judgment, unless the party who shall have the first registered Judgment shall neglect or delay the putting his execution against lands, into the hands of the proper Sheriff for one year next after the entry of such Judgment.

Whenever lands have been sold under Deed of Sale, the same to be in certain cases a valid conveyance in law.

XIV. And be it enacted, That whenever any lands have been or shall hereafter be sold under Deed of bargain and sale, and such Deed hath been only registered or shall hereafter be recorded in the Registry Office of the County where such lands lie, the same shall be and is hereby declared to be as good and valid a Conveyance in law as if the same had been regularly enrolled.

Hours and days at which the Registers shall attend at their offices.

XV. And be it enacted, That every such Register, or his sufficient Deputy, shall give due attendance at his office every day in the year, (except Sunday, Christmas Day and Good Friday,) between the hours of ten in the forenoon and three in the afternoon, for the despatch of all business belonging to the said office; and that every such Register or his Deputy shall, when required, make searches concerning all memorials that have been heretofore registered, and concerning all Deeds, Wills or Judgments which may be hereafter recorded, and give certificates thereof under his hand, if required by any person.

Fees to the Register.

XVI. And be it enacted, That every such Register shall be allowed for the recording of every such Deed, Conveyance, Will, Devise or Instrument in writing, the sum of two shillings and six pence, and no more, in case the same doth not exceed one hundred words, but if the same shall exceed one hundred words, then at the rate of one shilling for each one hundred words therein contained over and above the first one hundred words; and the like fees for every certificate (except the certificate in the margin of the Registry Book) given under and by virtue of this Act, and no more; and for every search in the said office, the sum of one shilling and six pence, and no more; and the like fees for every hundred words on the registry of any Judgment as on the registry of any Deed, Conveyance or other Instrument: Provided always, that in no case shall a general search into the title to any particular lot, piece or parcel of land, exceed the sum of ten shillings.

Punishment of persons forging certificates.

XVII. And be it enacted, That if any person or persons shall at any time forge or counterfeit any certificate, by this Act authorized or directed, or any affidavit of the execution of any memorial, or any such memorial, and be thereof lawfully convicted, such person or persons shall incur and be liable to the same pains and penalties as in and by an Act of the Parliament of Great Britain, made in the fifth year of the Reign of Queen Elizabeth, intituled, *An Act against the Forgers of false Deeds*

Deeds and Writings, are imposed upon persons forging or publishing Deeds, Charters or Writings, sealed Court Rolls or Wills, whereby the freehold inheritance of any person or persons in or to any lands, tenements or hereditaments, shall or may be molested, troubled or charged; and that if any person or persons shall at any time forswear himself before any Register or his Deputy, or before any Judge, Commissioner, or other person duly authorized to administer an oath in any of the cases aforesaid, and be thereof lawfully convicted, such person or persons shall incur and be liable to the same penalties as if the oath had been taken in any Court of Record in this Province.

Or forswearing themselves.

XVIII. And be it enacted, That this Act shall not extend to any lease for a term not exceeding twenty-one years, where the actual possession goeth along with the lease; anything in this Act contained to the contrary thereof notwithstanding.

Act not to extend to certain leases.

XIX. And be it enacted, That safe and proper fire-proof offices and vaults shall be provided within eighteen months after the passing of this Act, in each and every County in this Province, for the keeping of all books, records, and other papers belonging to the office of Register; and in case the Register of any County shall neglect to provide such office and vault within the period aforesaid, the District Council shall fix upon the most convenient and eligible site for such office within the County, and cause a proper and sufficient office to be provided at the expense of the District, not exceeding two hundred and fifty pounds, and such office shall from thenceforth be used and occupied as a Registry Office for the County in which the same may be situate; and if any Register shall not keep his office in the place appointed in his commission, or by proclamation, or, not having a fire-proof office and vaults, shall neglect or refuse to remove to that provided for him as aforesaid, he shall, on presentment by the Grand Jury at any Court of General Quarter Sessions, to be made on the evidence or oath of one or more competent witnesses, be liable to be removed from office at the discretion of the Governor; and it shall be the duty of every Clerk of the Peace forthwith to forward a copy of such presentment to the Governor: Provided always, that the Governor may fix the time for such removal to the office so provided.

Fire-proof offices and vaults to be provided for Registry Offices.

XX. And be it enacted, That if any Register shall cease to reside within the limits of the County for which he is appointed, or shall become, by sickness or otherwise, wholly incapable of discharging the duties of his office, it shall be lawful for the Governor to remove him from office, on presentment by the Grand Jury as aforesaid, made on such evidence as aforesaid; and the Clerk of the Peace shall in like manner forward a copy of every such presentment.

Register removing from the County or becoming wholly incapable, may be removed from office.

XXI. And be it enacted, That if any Register or his Deputy shall neglect to perform his duty as required by this Act, or commit or suffer to be committed any undue or fraudulent practice in the execution thereof, and be thereof legally convicted, then such Register shall forfeit his said office, and shall be liable to pay treble damages, with full costs of suit, to any person or persons that shall be injured thereby, to be recovered by action of debt, bill, plaint or information, in any of Her Majesty's Courts of Record; and any Deputy who shall remain in office during any vacancy occasioned by the death, resignation or forfeiture of the Register, shall be for the same cause and in like manner liable.

Punishment of Registers guilty of undue practices.

Deputies.

XXII.

Secretary of the Province to provide Register Book for each Township, &c.

XXII. And be it enacted, That from and after the passing of this Act, the Secretary of the Province shall be authorized, and is hereby required to provide a fit and proper Register Book for each Township, reputed Township, City and Town, the limits whereof are now defined by law in Upper Canada, and that all such Register Books shall continue to be hereafter of one uniform size or nearly so, and from the time such books shall be so provided and received at the respective Registry Offices, it shall be the duty of every person who shall hold or execute the said office of Register, to keep and cause to be used for that purpose a separate Register Book of or for each Township, and reputed Township, and of and for every City and Town, the limits whereof shall be defined by law within the County or Riding for which they shall hold such office or appointment of Register; and that thereafter whenever any such Register shall require a new Register Book, the same shall in like manner be provided by the Secretary of the Province for the time being, and the necessary expense incurred thereby, from time to time, shall be defrayed by the District Council of the District in which such respective Counties shall be situate.

How Registered Mortgages or Judgments may be discharged.

XXIII. And be it enacted, That when any registered Judgment or Mortgage is satisfied, it shall and may be lawful for the Register or his Deputy, on receiving a certificate in the form in the Schedule to this Act marked A, in respect to Mortgages, duly proved by the oath of a subscribing witness, in the same manner as hereinbefore provided for the proof of Deeds and other instruments affecting lands, from the person entitled to the amount of such Mortgage, or the Attorney of such person, and in case of Judgments on receiving a satisfaction piece under the seal of the Court in which such Judgment is entered and signed by the Clerk thereof, to write the word "discharged," and affix his name in the margin of the Register wherein the said Judgment or Mortgage is registered, which shall be deemed a discharge thereof; and such certificate or satisfaction piece shall be filed and numbered and entered on the margin of the Register under the word "discharged."

Proviso: Certificate of payment of condition of mortgage to be valid and effectual in certain cases.

XXIV. Provided always, and be it enacted, That any certificate of payment or performance of the condition of any Mortgage by the Mortgagee, his Heirs, Executors, Administrators or Assigns, heretofore given and registered under the provisions of the Act herein first above cited and repealed, or which having been given under the provisions of the said Act may be registered under this Act, or which may be hereafter given and registered under the provisions of this Act, whether the same shall have been given or shall hereafter be given, either before or after the time limited by such Mortgage for payment or performance as aforesaid, shall be and the same is hereby declared to be valid and effectual in law as a release of such Mortgage, and as a reconveyance of the original estate of the Mortgagor therein mentioned: Provided also, that such certificate, if given after the expiration of the period within which the Mortgagor had a right in equity to redeem, shall not have the effect of defeating any title other than a title remaining vested in the Mortgagor, or his Heirs, Executors, Administrators or Assigns.

Proviso.

Registers to take an oath of office.

XXV. And be it enacted, That every such Register, before he enters upon the execution of the said office, shall be sworn before any two or more of the Justices of the Peace for the District wherein such Register shall reside, who are hereby empowered and required to administer such oath, in these words:

" You

“ You swear that you will well, truly and faithfully perform and execute the office and duty that is directed and required by any Act of the Legislature of this Province, in registering Deeds, Memorials of Deeds, Conveyances and Wills within the County of _____ so long as you shall continue in the said office, and that you have not given or promised, directly nor indirectly, nor authorized any person to give any money, gratuity or reward whatsoever, for procuring or obtaining the said office for you : So held you God.”

The oath.

XXVI. And be it enacted, That when and so often as the said Register shall appoint any Deputy to execute the said office, such Deputy shall, before he enters upon the execution thereof, take the said oath appointed to be taken by the Register, before two or more Justices of the Peace for the District wherein he may be, (who are hereby empowered and required to administer such oath;) and that every Register, at the time of his being sworn into the said office, shall also enter into a recognizance with two or more sufficient sureties, to be approved of by three or more of the Justices of the Peace of the District, by writing under their hands and seals, in the penalty of one thousand pounds, unto Her Majesty, Her Heirs and Successors, to be taken by the same Justices of the Peace that approved of his security, conditioned for the true and faithful performance of his duty in the execution of his said office, in all things directed and required by this Act, the same to be transmitted by the said Justice of the Peace, within six months after the date thereof, into the Court of Her Majesty's Bench in Upper Canada, there to remain amongst the Records of the said Court.

Deputies to be sworn.

XXVII. And be it enacted, That the Register or his Deputy shall not be compelled to register any Deed, Conveyance, Will, or other Instrument, unless the fees authorized by this Act shall be previously paid thereon.

No deed, &c., need be registered until the fees thereon be paid.

XXVIII. Provided nevertheless, and be it enacted, That when any Register shall die or surrender his office, and that, within the space of one year from and after such death or surrender, no misbehaviour appears to have been committed by such Register in the execution of his office, then and in such case, at the end of the said one year after his death or surrender, the recognizance entered into by him shall become void and of no effect to all intents and purposes whatever.

Provision in case of death, &c., of Register.

XXIX. And be it enacted, That the Seal of any Corporation affixed to any Deed, Conveyance, Memorial or Instrument in writing, shall of itself be sufficient evidence of the due execution of such Deed, Conveyance, Memorial or Instrument in writing, by such Corporation, for all purposes respecting the registering thereof, and no further evidence or verification of such execution shall be required for the purpose of registry; any law or custom now in force to the contrary notwithstanding.

Seal of a Corporation to be sufficient evidence to justify the registration of their Deed.

XXX. And be it enacted, That whenever it shall appear to the satisfaction of the Governor of this Province, that the Register's Office in any County is situated inconveniently for the public, it shall be lawful for him, by proclamation, to order the said office to be removed to such other place in the County as he shall deem expedient.

Governor may remove the Registry office in a County to the chief Town.

Preamble.

Surveyor General to furnish Registers with certain information.

Also certain Maps.

Duty of Register when portion of a County is set apart so as to form another County.

When a Company, &c., shall subdivide any land into town lots, a plan or map of such land may be lodged in Registry Office.

Certain Counties may be united for the purpose of registration.

Interpretation clause.

XXXI. And whereas it is desirable that Registers should be enabled to afford purchasers and other persons making searches, information respecting the original Grantee of each lot, piece, parcel or tract of land within their respective County or Counties, together with the local situation of the same: Be it therefore enacted, That it shall be the duty of the Officer or person performing the duties formerly assigned to the Surveyor General of the Province, to furnish each Register with a list of the names of all persons in whose favor Patents may have heretofore issued from the Crown for grants of land within their respective County or Counties, or which may from time to time hereafter issue, and also with copies of all plans or maps of Towns and Townships within the same, within twelve calendar months after any Register shall in writing make application to the said Officer or person performing such duties as aforesaid for the same.

XXXII. And be it enacted, That where any portion of a County is separated or set apart so as to form another County, or a part thereof, it shall be the duty of the Register of the first mentioned County, to furnish a statement of the registration of such titles as may have been registered, of lands lying in the part so separated, to the Registers of the new County and of the County of which it shall form a part, setting forth the dates of the Deeds and the particulars of the lots or parcels of lands to which they respectively relate or refer.

XXXIII. And be it enacted, That any person, Corporation or Company of persons, who have heretofore or shall hereafter survey and subdivide any land into Town or Village lots, differing from the manner in which such lands were described as granted by the Crown, it shall and may be lawful for such person, Corporation or Company, to lodge with the Register of the County a plan or map of such Town or Village lots, shewing the numbers and ranges of such lots, and the names, sites and boundaries of the streets or lanes by which such lots may be in whole or in part bounded, together with a declaration to be signed by such person, or by the lawful Officer, Agent or Attorney of such Corporation or Company, that the said plan contains a true description of the lots and streets laid out and appropriated by such person, Corporation or Company, and thenceforth it shall be lawful for the Register to keep an Index of the land described on such map or plan as a Town or Village, or part of a Town or Village, by the name by which such person, Corporation or Company shall designate the same.

XXXIV. And be it enacted, That for and notwithstanding any thing in this Act contained, it shall not be necessary to appoint a Register for each of the following Counties, namely: Lennox, Addington, Prescott, Russell, Lincoln and Welland; but for the purposes of registration of titles under this Act, it shall and may be lawful to appoint one Register for the Counties of Lennox and Addington, one for the Counties of Prescott and Russell, and one for the Counties of Lincoln and Welland: Provided always, that in the event of a vacancy in the office of Register of either of the said united Counties, it may be lawful for the Governor General in his discretion to divide the said Counties in which any such vacancy may happen, and to appoint a Register for each County respectively.

XXXV. And be it enacted, that the words "Upper Canada," throughout this Act, shall be always construed to extend to and mean that portion of this Province which

