



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XVI.

An Act to explain and amend an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada.*

[ 28th July, 1847. ]

WHEREAS the wording of the first part of the twenty-fourth section of an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada*, is such as to have caused doubts to arise as to whether there is not a clerical error in the said part of the said section consisting of the substitution of the word "Mortgagee" for the word "Mortgagor," and whereas there is, in reality no such clerical error, but the converse error does occur in the last line of the proviso at the end of the said section in which the word "Mortgagor" has been substituted for "Mortgagee," and it is expedient to remove such doubts and correct such error: Be it therefore declared and 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 for re-uniting the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the said section of the said Act was intended to refer and does refer to any certificate by the Mortgagee, His Heirs, Executors, Administrators or assigns of payment or performance of the condition of any Mortgage, given or registered as therein mentioned.

Preamble.  
Doubts respecting section 24, of Act 9 Vict. c. 34, stated.

What certificate is intended in the first part of sect. 24 of the said Act.

II. And be it enacted, That the said proviso at the end of the said twenty-fourth section of the said Act, shall be and the same is hereby repealed; and it is hereby declared and provided that such certificate as is mentioned in the said section and in this Act, if given after the expiration of the period within which the Mortgagor had a right in equity to redeem, shall have had and shall have the effect of defeating any title remaining vested in the Mortgagee or his heirs, executors, administrators or assigns, but shall not have had nor shall have the effect of defeating any other title whatsoever.

Proviso at the end of the said section repealed.

True effect of the certificate aforesaid declared.

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