

## CAP. IX.

An Act to compel the Registration of Deeds and Instruments creating Debts to the Crown.

[2d August, 1851.]

**W**HEREAS it is desirable that all deeds and instruments under seal or of record, whereby any debt, duty or obligation has been or may be created to Her Majesty the Queen, or Her Successors, shall be registered in manner hereafter mentioned, in order to bind the lands of the parties executing the same or affected thereby: 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 from and after the passing of this Act, no deed, bond, contract or other instrument whatever, under seal or of record, whereby any debt, obligation or duty shall be incurred or created to Her Majesty the Queen, or Her Successors, shall be deemed valid or sufficient to charge or affect any lands or any interest in lands of the person or persons executing the same or affected thereby, as against any subsequent purchaser or mortgagee for valuable consideration of the same lands of such person or persons, or against any subsequent registered judgment on the same lands against such person or persons, unless a copy of such deed, bond, contract or other instrument, certified by the proper officer having the custody of the same, shall be registered in the Office of the Clerk of the Court of Queen's Bench in Toronto, before the execution of the deed, conveyance or agreement of such subsequent purchaser or mortgagee, or the registry of such subsequent judgment.

Preamble.

Instruments creating Debts to the Crown not to be valid against subsequent purchasers, &c. unless registered before the deeds of such purchasers, &c.

II. And be it enacted, That it shall be the duty of the said Clerk of the Court of Queen's Bench, and he is hereby required upon the production to him of a copy of any such deed, bond, contract or other instrument as aforesaid, certified by the proper officer having the custody of the same, to enter and register the same in a book to be kept by him for that purpose, and from and after such registry all the lands of the person or persons executing such deed, bond, contract or other instrument, shall be bound and charged thereby.

Such instruments to be registered in a separate book.

III. And be it enacted, That it shall be lawful for the Governor in Council, if he shall think fit, to order that all or any lands bound by such deed, bond, contract or other instrument, shall be released from the charge created thereby, and upon the production of such order certified by the President or Clerk of the Executive Council, it shall be the duty of the said Clerk of the said Court of Queen's Bench, to enter and register the same in the said book as a release of such lands as shall be mentioned in such order, and upon the same being so entered and registered such lands shall be released accordingly.

Governor in Council may release lands bound by such instruments

IV. And be it enacted, That the said Clerk of the said Court of Queen's Bench shall be entitled to demand and receive from the person producing the same for registry, the sum of Five Shillings for the registry of any such deed, bond, contract or other instrument or release, to be paid to the fee fund in the same manner as other fees are paid to the said fund.

Fee to Registrar.

V. And be it enacted, That all such deeds, bonds, contracts or other instruments made before the passing of this Act to Her Majesty, or Her Predecessors, of the nature mentioned in the first section of this Act, shall be registered in the manner in the second section mentioned within one year from the passing of this Act, or in default thereof, any lands or interest in lands of the person or persons who shall have executed the same shall be freed and discharged therefrom as to any subsequent purchaser or mortgagee or registered judgment creditor of such person or persons of the same lands for valuable consideration.

Such instrument made before the passing of this Act to be registered within a certain time.

VI. And be it enacted, That this Act shall apply only to Upper Canada.

Extent of Act.