

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. Quebec: Stewart Derbshire and George Desbarts, 1852.

16 Victoria – Chapter 187

**An Act to amend the Registry Laws of Upper Canada. Assented to 14th June, 1853.**

Whereas the recent changes in the Territorial Divisions of Upper Canada, have rendered it necessary to make certain changes in the Registry Laws of that section of the Province: 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 in every case where any City, Town, Township, reputed Township or place, theretofore making part of any County in Upper Canada, in and for which a separate Registry Office is or shall be kept, has been or shall be detached from such County and attached to or become part of another County in and for which a separate Registry Office is or shall be kept, the Registry Book or Books kept for such City, Town, Township, reputed Township or place under the provisions of the twenty-second section of the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to consolidate and amend, the Registry Laws of that part of this Province which was formerly Upper Canada*, and all plans or maps of Town or Village Lots in such City, Town, Township, reputed Township or place, lodged in the Office of such Register, pursuant to the thirty-third section of the said Act, shall be delivered by the Register of the County from which such City, Town, Township, reputed Township or place is or shall be detached, to the Register of the County to which the same is or shall be attached, or of which it shall become part, to be kept by him among the Registry Books of his office, and dealt with in all respects by him and his successors in office in like manner as the Registry Books originally made and kept therein: Provided always, that a statement of such titles of or relating to lands lying in such City, Town, Township, reputed Township or place, as may have been registered before separate Registry Books were kept for each Township or place, under the authority of the said Act, shall be furnished by the Register of the County from which such Township or place shall have been detached, to the Register of the County to which the same shall have been attached, or of which it shall become part, in the manner provided by the thirty-second section of the Act last above cited; and the provisions of this section shall apply to each and every City, Town, Township, reputed Township or place in any new County, and in any County which being theretofore united with another County or Counties for the purposes of registration of titles, shall be detached therefrom for such purposes, and become entitled to have a separate Registry Office.

II. And be it enacted, That the statement to be furnished by the Register of a County to the Register of any new County under the thirty-second section of the said in part recited Act, shall be accompanied by an index thereto, which shall be considered as a part of the said statement, and such Register shall carefully compare such statement with the original entries in the Register Books in his office, and endorse a Certificate to that effect on such statement when furnishing the

same to the Register of such new County: And such statement shall, in addition to the particulars required by the said thirty-second section, contain the names of the parties to such Deeds and of the witnesses thereto, and shall also contain the same particulars with regard to Wills and other registered documents affecting lands in such new County as are required concerning Deeds, and shall also furnish a statement of any Wills registered in any General Registry Book of Wills, whether such Book was procured before or since the passing of the said Act.

III. And be it enacted, That no Registry Book shall after the passing of this Act be furnished by the Secretary of the Province to any Register in Upper Canada under the twenty-second section of the Act hereinbefore recited, but whenever any Register shall require a new Registry Book, the same shall be furnished to him by the Treasurer of the County on his application therefor, and shall be paid for by such Treasurer out of the County Funds, and the Certificate now given by the Provincial Secretary in and with regard to any such Registry Book, or one to a similar effect, shall be given by the Judge of the County Court having jurisdiction in such County, on the application of the Register, and such Certificate shall be in the form or to the effect in the Schedule to this Act annexed: and if such Treasurer shall refuse or neglect to furnish such Book within thirty days after the application of the Register, the Register may provide the same, and recover the cost thereof from the Municipality of the County. And such Registry Books shall be as nearly as may be of the like size and description as those heretofore furnished to Registers in Upper Canada by the Provincial Secretary under the said twenty-second section of the said Act.

IV. And be it enacted, That each County in Upper Canada, now entitled to return a Member or Members of the Legislative Assembly to represent such County in the Provincial Parliament, shall be also entitled to have a separate Registry Office for the registration of titles, and Registers shall be appointed accordingly, but until the establishment of such separate Registry Offices as may be established under this Act, all Deeds, Wills, Memorials or other Instruments may be registered in the same Offices, and with the same effect, as if this Act had not been passed.

V. And be it enacted, That when any Deed, Will or other Instrument, shall embrace different lots or parcels of land situate in different localities in the same County, it shall only be necessary to furnish one Memorial of such Deed, Will or other Instrument, and such Memorial shall be copied into the Registry Book for the City, Town, Township or place in which the different parcels or lots of land are situate, in the same manner and to the same extent only as if a separate Memorial had been furnished in relation to the lands situate within such City, Town, Township or place respectively, and the Register shall make the necessary Entries and Certificates accordingly: Provided always, that only one Certificate of Registry shall be allowed or charged for, and that in counting folios to be charged for, the marginal certificates, notes or references shall not be included.

VI. And be it enacted, That the ninth Section of the said in part recited Act shall be and is hereby repealed; and instead thereof, 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, 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 Superior Courts of Common Law or of Equity in Upper Canada, or a Judge of any County Court within his County, or a Commissioner duly authorized to take affidavits in the Court of Queen's Bench or the Court of Common Pleas in Upper Canada, be brought to the said Register or his Deputy, wherein one of the witnesses to the execution of such Deed or Conveyance shall swear to the execution of the same as also of the Memorial thereof, and to the place where the same were executed, and in case of Wills, one of the witnesses to the Memorial of such Will or Probate thereof, shall swear to the execution of such Memorial; 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 of 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 Upper Canada, any thing in the said in part recited Act to the contrary thereof in any wise notwithstanding.

VII. And be it enacted, That whenever, after the passing of this Act a Deed or Conveyance shall be executed under and by virtue of a Letter or Power of Attorney from the Grantor or Grantors, a Memorial of such Letter or Power of Attorney may be registered, in the same manner and upon the same, evidence as a Memorial of a Deed or Conveyance is now legally registered, and the Register shall be allowed the same fees for recording the same, as for a Deed or Conveyance under this Act.

VIII. And be it enacted, That every Register in Upper Canada shall be allowed the following fees, and no more, that is to say:

For drawing Affidavit of Execution of Instrument and Memorial brought to be registered, if done by the Register or his Deputy, including swearing and all Certificates thereof, Two Shillings and Six Pence;

For recording every Deed, Conveyance, Will, Power of Attorney or Agreement, including all necessary Entries and Certificates, Six Shillings and Three Pence, but in case such Entries and Certificates exceed eight hundred words, at the rate of Eight Pence for every additional hundred words;

For registering Certificate of Judgment, Two Shillings and Six Pence, satisfaction thereof Two Shillings and Six Pence;

For entering Certificate of Payment of Mortgage Money, including all Entries and Certificates thereof, Two Shillings and Six Pence;

Drawing Affidavit of the Execution thereof, including the swearing of the witness, when done by the Register or his Deputy, Two Shillings and Six Pence;

For searching Records relating to the title of any lot or parcel of land not exceeding four references, One Shilling and Three Pence, and One Shilling and Three Pence for every additional

four distinct references, and so in proportion for every number of searches made; 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;

For every extract furnished by the Register, including Certificate, One Shilling and Three Pence, and where the same exceeds one hundred words, Nine Pence for every additional one hundred words contained in such Extract and Certificate.

IX. And be it enacted, That every Register of a County in Upper Canada, shall keep a Book in which shall be entered all the Fees and Emoluments received by him, by virtue of his office as such Register, shewing separately the sums received for registering Memorials, Certificates and other Documents, and for searches, and he shall make a Return of such Fees and Emoluments in detail to the Legislature annually.

X. And be it enacted, That the sixteenth Section of the said in part recited Act shall be, and the same is hereby repealed.

XI. And be it enacted, That the word "County" in the foregoing provisions of this Act, shall mean any County or union of Counties for which a separate Registry Office is or shall be required by law to be kept.

XII. And be it enacted, That the Eighth, Ninth and Tenth Sections of this Act shall take effect upon, from and after the first day of January, one thousand eight hundred and fifty-four only.

XIII. And be it enacted, That the following holidays shall be allowed in the several Registry Offices in Upper Canada, namely, Christmas, New Year's Day, Good Friday, Ash Wednesday, Easter Monday and the Queen's Birth Day.

#### Schedule.

Form of Certificate referred to in the third Section of this Act.

This Register contains \_\_\_\_\_ pages, and is to be used in and for the (City, Town or Township of, as the case may be) in the County of \_\_\_\_\_ for the Enregistration of Memorials, under the provisions of the Act of the Legislature of the Province of Canada, passed in the ninth year of Her Majesty's Reign, and intituled, An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada, and of the Act of the said Legislature amending the same, and is provided in pursuance of the requirements of the said Statutes.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord, one thousand eight hundred and fifty-\_\_\_\_\_

A. B.  
Judge of the County Court of