

*Laws of Her Majesty's Province of United Canada*, passed in the year 1854. Quebec: Stewart Derbshire and George Desbarts, 1854.

18 Victoria – Chapter 127

**An Act to amend the Registry Laws of Upper Canada. Assented to 30th May, 1855.**

Whereas it is necessary to amend the Registry Laws of Upper Canada in certain particulars: 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, as follows:

I. No judgment of any Court of Record in Upper Canada, shall create a lien or charge upon any lands, tenements or hereditaments within the same, or upon any interests in lands that are now or may at any time hereafter be liable to seizure or sale on any execution against lands, until such judgment shall be registered in the manner now required by the law for registering judgments, in the Registry Office of the County or Union of Counties in which such lands are situate.

II. No judgment creditor shall be a necessary party to any bill for the foreclosure of any mortgage, so as to prevent a mortgagee obtaining a complete title by such foreclosure, unless such judgment creditor shall have registered his judgment in such County Registry Office as aforesaid, before the filing of the bill of such mortgagee for such foreclosure.

III. The filing of any bill, or the taking of any proceeding, in the Court of Chancery in Upper Canada, in which bill or proceeding any title or interest in lands may be brought in question, shall not be deemed notice of such bill or proceeding to any person not being a party to such bill or proceeding, unless and until a certificate shall be given by the Registrar of the said Court of Chancery to some person demanding the same, in the form mentioned in this section, and registered in the Registry Office of the County or Union of Counties in which the lands are situate the title or interest in which is questioned in such bill or proceeding.

"I certify that in a suit or proceeding in Chancery between A. B. and C. D., some title or interest is called in question in the following lands, (stating them)."

Provided always, that no such certificate shall be required to be registered in any suit or proceeding for foreclosure of any registered mortgage.

IV. Every decree of foreclosure, and every other decree in Chancery affecting any title or interest in land, shall and may be registered by any person, in the County Registry Office in the County or Union of Counties where such land, is situate, on a certificate to be given by the Registrar of the said Court, stating the substance and effect of such decree, and the lands affected thereby.

V. A memorial of any deed, conveyance, will or power of Attorney, affecting or relating to any lands, tenements or hereditaments in Upper Canada, which shall have been or may be hereafter executed or published in any place without Upper Canada, shall be registered by the Register or his Deputy of any County in which such lands are situate, either on the evidence already required by law, or on an affidavit sworn before any Judge of either of the Superior Courts of Common Law or Equity in Upper or in Lower Canada, or before any Judge of the County Court in Upper Canada or Circuit Court in Lower Canada, or a Commissioner duly authorized to take affidavits in Upper or Lower Canada, by any of the Superior Courts of Common Law, or the Register or Deputy Register of the County in which such lands are situate, wherein one of the witnesses to the execution of such deed, will, conveyance or power of Attorney, shall swear to the execution of the same, and also to the place where the same was executed.

VI. It shall be the duty of the Register of any County from which any City, Town, Township, reputed Township or place has been or shall be detached, in addition to the books and plans mentioned in the first Section of the Statute, sixteenth Victoria Chapter one hundred and eighty-seven, to deliver to the Register of the County to which the same has been or shall be attached, the original memorials of all Deeds, Wills and other conveyances whatever of or relating to any lands within such City, Town, Township, reputed Township or place only; and if any such first mentioned Register shall refuse to deliver any such books, plans or memorials as in the said recited Act or this Act mentioned, to such last mentioned Register within three months after a demand in writing has been made upon him therefor by such last mentioned Register, such first mentioned Register shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any Court of Oyer and Terminer and general gaol delivery, shall forfeit his office, and be liable to a fine in the discretion of such Court, not exceeding one hundred pounds.

VII. The following fees shall be taken for the services to be performed under this Act by the Register of any County:

On registering any certificate of a suit or proceeding in Equity, two shillings and six pence.

On registering any certificate of decree, five shillings.

VIII. This Act shall come into operation on the first day of July, one thousand eight hundred and fifty-five, and shall apply as well to judgments entered of record, and bills filed or proceedings and in Chancery, before as after the passing of this Act.