Ontario

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c 170 Registry Act

Ontario

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CHAPTER 170.

The Registry Act.

1. In this Act,

(a) "Certificate of amalgamation of loan corporations" shall include a copy certified under the hand of the Registrar of Loan Corporations of the certificate of assent and declaration referred to in section 65 of The Loan and Trust Corporations Act and of any document mentioned in such certificate and a certificate issued for the purpose of registration under any Act of this Legislature authorizing or ratifying an agreement for the purchase and sale of the assets, or for the amalgamation of loan corporations;

(b) "County" shall include a city, a provisional judicial district, and any part of a county, district, or city set apart for judicial or registration purposes;

(c) "Inspector" shall mean Inspector of Legal Offices appointed under the provisions of The Judicature Act;

(d) "Instrument" shall include every Crown grant, and Order-in-Council of the Dominion and of Ontario, every deed, conveyance, mortgage, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, discharge, power of attorney, under which any such instrument is executed, every bond or agreement for the sale or purchase of land, will, probate of will, grant of administration, caution under The Devolution of Estates Act or renewal thereof, municipal by-law, certificate of proceedings in any court, judgment or order of foreclosure and every other certificate of judgment or order of any court affecting any interest in or title to land, and certificate of amalgamation of loan corporations, every certificate of payment of taxes, granted under the corporate seal of the county, city or town by the treasurer, every sheriff’s and treasurer’s deed of land sold by virtue of his office, every contract in writing,
every order and proceeding in mental incompetency, bankruptcy and insolvency, every plan of a survey or sub-division of land, and every other instrument whereby land may be transferred, disposed of, charged, incumbered or affected in any wise, affecting land in Ontario;

(e) "Land" shall include lands, tenements, hereditaments and appurtenances and any estate or interest therein;

(f) "Power of attorney" shall include a revocation or alteration thereof and an appointment of a substitute thereunder;

(g) "Will" shall include codicil, probate of will and exemplification, and notarial or prothonotarial copy of a will, or of a probate of a will, and letters of administration with the will annexed, and a devise whereby land is disposed of or affected.

R.S.O. 1927, c. 155, s. 1; 1937, c. 67, s. 2.

2. Subject to the provisions of The Land Titles Act, after a certificate of the first registration of the owner under that Act has been registered as prescribed by that Act, this Act shall cease to apply to the land mentioned in the certificate. R.S.O. 1927, c. 155, s. 2.

3.—(1) No instrument affecting land in a provisional judicial district which has been granted by the Government of Ontario by letters patent or by Order of the Lieutenant-Governor in Council since the 31st December, 1887, other than lands mentioned in subsection 2 of section 160 of The Land Titles Act, or which shall hereafter be so patented or granted, shall be registered under this Act.

(2) The registration in the registry office of any such district of any lands so patented or granted before the passing of this Act is declared to be valid and effectual and instruments affecting such lands, patents for which have been already registered may continue to be registered under this Act.

(3) A person claiming an interest in unpatented lands in any such district may as heretofore lodge with the local master of titles a caution under section 83 of The Land Titles Act subject to the provisions of that section. R.S.O. 1927, c. 155, s. 3.

4.—(1) Subject to the provisions of this Act and except where otherwise expressly provided in any general or special Act or Order-in-Council, the registry divisions as they existed on the 14th day of April, 1925, shall be the registry divisions
of the Province of Ontario for the purposes of this Act and no alterations in the boundaries of any riding, electoral district or municipality shall alter or affect the boundaries of any registry division. R.S.O. 1927, c. 155, s. 4 (1); 1937, c. 67, s. 3.

(2) Where a new county or district is formed the same shall constitute a registry division. R.S.O. 1927, c. 155, s. 4 (2).

5.—(1) Where a registry division includes the whole or part of the county or district the registry office shall be situate therein, and in other cases shall be situate at such place as the Lieutenant-Governor in Council shall direct.

(2) Where a registry office is, in the opinion of the Lieutenant-Governor in Council, inconveniently or unsafely situated he may direct that a new registry office be erected on a new site to be approved by him. R.S.O. 1927, c. 155, s. 5.

6.—(1) For the safe-keeping and protection of all books, memorials, duplicates and other instruments of whatever description and plans belonging to the office of registrar, the council of every county where at any time there are no safe and proper fire-proof offices and vaults provided by the council, or where hereafter any registry office is established, or where under the provisions of section 5 the Lieutenant-Governor in Council has directed a change of site, shall provide, furnish, maintain and keep in good repair a safe and fire-proof registry office, fire-proof vaulted, upon a plan and on a site to be approved by the Lieutenant-Governor in Council, and the council shall keep the registry office furnished with fuel and furniture and in good repair and properly heated, lighted, cleaned and ventilated.

(2) A town separated from a county for municipal purposes, and a city for which there is no separate registry office, shall bear such equitable proportion of the expense incurred under subsection 1 as the Inspector shall direct.

(3) Except where in this Act it is otherwise provided the Inspector may in writing authorize the registrar under the direction of an architect named by the Inspector to expend out of the proportion of the fees to which the county or city may then or thereafter be entitled under sections 105 and 109 in providing adequate fire-proof or metal fittings for the vault of the registry office or for the proper heating and ventilation of the vault so much as may be deemed by the Inspector to be necessary, and the amount so expended, including the architect’s charge, shall be certified by the Inspector, and his certificate or a duplicate thereof shall be transmitted by the registrar to the treasurer of the county or
city, and shall be a discharge to the registrar of the amount so certified, as against the proportion of the fees then payable or to become thereafter payable by him.

(4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall when so required by the Inspector provide typewriting machines for use in copying instruments in the registry books. R.S.O. 1927, c. 155, s. 6.

**REGISTRARS.**

7. There shall be a registrar for every registry division who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. R.S.O. 1927, c. 155, s. 7.

8. Every registrar shall have a seal of office to be approved of by the Inspector. R.S.O. 1927, c. 155, s. 8.

9.—(1) The Lieutenant-Governor in Council may fix and determine the amount of the security to be furnished by each registrar.

(2) The amount of such security shall, except in the case of a registrar in a provisional judicial district, be not less than $4,000 nor more than $10,000.

(3) The Lieutenant-Governor in Council, upon the application of any county or city interested, or without such application, may require any registrar to furnish additional security in such form and for such an amount as the Lieutenant-Governor in Council determines to be sufficient to secure the due payment of any money payable by the registrar to the county or city. R.S.O. 1927, c. 155, s. 9.

10. The registrar and his sureties shall be jointly and severally liable upon and to the extent of the security furnished to any aggrieved person to indemnify him against any damage or loss sustained by him, by or through the neglect or misconduct of the registrar or his deputy in the performance of the duties of his office, but this provision shall not exempt the registrar from any further responsibility to a person sustaining such damage or loss. R.S.O. 1927, c. 155, s. 10.

11. Every registrar, before he enters upon the duties of his office, shall take and subscribe the oath (Form 1) which shall be transmitted by him to the Provincial Secretary. R.S.O. 1927, c. 155, s. 11.

12.—(1) The registrar may by writing under his hand and seal of office appoint a deputy or deputies who may
perform all the duties required under this Act in the same manner and to the like effect as if done by the registrar. R.S.O. 1927, c. 155, s. 12 (1).

(2) In case of the death, resignation, removal from or forfeiture of office of the registrar, the deputy registrar, or if more than one, the senior deputy registrar shall be the registrar pro tempore and shall do and perform all and every act, matter, and thing necessary for the due execution of the office, until a new appointment of registrar is made, and if there is no deputy registrar the Crown attorney shall be the registrar pro tempore until another person is appointed, and the Crown attorney on becoming registrar may appoint a deputy registrar. R.S.O. 1927, c. 155, s. 12 (2); 1934, c. 50, s. 2.

(3) The registrar pro tempore shall be answerable for the execution of the office during such interval, and any security given by the registrar shall be and stand as security for the due and faithful performance of the duties of his office by the registrar pro tempore. R.S.O. 1927, c. 155, s. 12 (3).

13. Every deputy registrar, before he enters on the duties of his office, shall take and subscribe the oath appointed to be taken by the registrar, or an oath to the like effect, which oath he shall forthwith transmit to the Provincial Secretary. R.S.O. 1927, c. 155, s. 13.

14.—(1) No registrar or deputy registrar or clerk in his office shall, directly or indirectly, act as the agent of any corporation, or person investing money and taking security on land within his county, nor advise, for fee or other reward, or otherwise, upon titles to land, or practise as a conveyancer, or act as an agent for the sale of land, within his county, nor shall he carry on or transact within the registry office any other business or occupation whatever. R.S.O. 1927, c. 155, s. 14 (1).

(2) No registrar, deputy registrar or clerk in a registry office shall personally or as a member of a firm carry on a loaning business or be in any way connected with a firm which transacts business with the office of the registrar. 1931, c. 23, s. 10 (1).

(3) No registrar, deputy registrar or clerk in a registry office shall practise as a barrister, solicitor, physician or surgeon. R.S.O. 1927, c. 155, s. 14 (3).
15. The work of the office shall be conducted and carried on under the direction and immediate supervision of the registrar. R.S.O. 1927, c. 155, s. 15; 1937, c. 67, s. 4.

16.—(1) Except as hereinafter in this section provided the registrar or his deputy shall attend at his office from the hour of ten o'clock in the forenoon until four o'clock in the afternoon, every day in the year, holidays excepted, and no instrument shall be registered on any holiday, nor shall any instrument be received for registration except within the hours above named.

(2) The registrars for the City of Toronto, the registry division of East and West York, the County of Wentworth, the City of Carleton, the City of Ottawa, the City of London, the County of Waterloo, the County of Leeds, the County of Frontenac and the City of Kingston and in the provisional judicial districts, or their respective deputies, shall attend at their offices on Saturdays, from the hour of ten o'clock in the forenoon until one o'clock in the afternoon and no longer, and no instrument shall be received for registration on that day except within those hours.

(3) From the 1st day of July to the 31st day of August, both days inclusive, none of the other registrars shall, after one o'clock in the afternoon on Saturdays, register any instrument, nor shall any instrument be received for registration, nor shall it be obligatory to attend at his office after that hour.

(4) The council of any county may by by-law authorize the closing on Saturday of any registry office within the county at one o'clock in the afternoon, and while such by-law is in force, no instrument shall be received on Saturday for registration in such registry office after the said hour, and the registrar shall post up a copy of the said by-law in a conspicuous place in the registry office. R.S.O. 1927, c. 155, s. 16.

17.—(1) The registrar shall, when required, and upon being tendered his proper fees, make searches and furnish abstracts of or concerning all instruments or memorials registered which mention any lot of land as described in the patent thereof from the Crown, or any lot described by number or letter on any registered plan, subsequent to the registration of the plan, or any part of a lot where the same is clearly described and can be identified in connection with the chain of title, or has been ascertained by actual survey, and of and concerning all instruments registered, as may be requested of him in writing, if a writing is demanded by him, but unless
otherwise instructed he shall omit from such abstract all instruments ruled off pursuant to section 71 and in such case the form of the certificate in subsection 2 shall be varied accordingly, and he shall exhibit any original registered instrument, and also the books of the office relating thereto when a personal inspection thereof is desired, and shall give extracts certified under his hand of and concerning the parties to any of such instruments, or of the witnesses to the same, or any other particulars which may be required, but no registrar shall allow any such book or instrument to be taken out of his possession or custody. R.S.O. 1927, c. 155, s. 17 (1); 1929, c. 43, s. 2.

(2) Every abstract furnished by a registrar shall be commenced and certified to in the words following:

Registry Office, County of Abstract of title
I certify that the above (or the following) are correct extracts from the only instruments registered in this office which mention or refer to (describe property sufficiently for identification). This abstract does not purport to give entries from the general register or bankruptcy books.

Dated at this day of

Registrar, or Deputy-Registrar. (L.S.)

(3) The fees for every abstract shall be stated on the face thereof and shall show the items making up the amount of such fees.

(4) The registrar, when requested in writing to do so by the person requiring an abstract of title, shall omit from it mortgages and assignments thereof in respect of which instruments purporting to be discharges are entered in the abstract, index and mechanics’ liens, in respect of which an action has not been brought, and a certificate thereof registered as required by The Mechanics’ Lien Act, or any other class of instrument mentioned in the request, and in such case the certificate of the registrar shall be varied accordingly. R.S.O. 1927, c. 155, s. 17 (2-4).

18. A registrar shall not permit any person other than his officers or employees to use ink or other indelible fluid or substance for the purpose of making copies of or extracts from an instrument, document, book, paper or record in the registry office, or of any matter therein contained. R.S.O. 1927, c. 155, s. 18.

19. A registrar shall not be liable in respect of entries of instruments or errors or mistakes in the entries of instruments or omissions by any of his predecessors in office, nor for any defect or inaccuracy in any abstract or certificate arising from such error, mistake or omission, unless he had
become aware or had knowledge of such error, mistake or omission, or unless such abstract or certificate shall be defective or inaccurate to the knowledge of the registrar or his deputy or the clerk by whom it is made or signed. R.S.O. 1927, c. 155, s. 19.

20.—(1) On request of any person the registrar shall furnish a certified copy, under his hand and seal of office, of any instrument or memorial deposited, registered, or filed and kept in his office.

(2) No registrar or deputy registrar shall be required to produce any instrument or document in his custody as registrar or deputy registrar, unless ordered by a judge of one of the courts of Ontario, which order shall be produced to the officer issuing the subpoena requiring such production, and shall be by him noted in the margin of the subpoena. R.S.O. 1927, c. 155, s. 20.

BOOKS OF OFFICE.

21.—(1) The treasurer of every county and the treasurer of every city for which there is a separate registry office shall provide a fit and proper registry book for each township, city, town, or village, and for each town plot laid out by the Crown, and all index and other books required for the business of the registry office.

(2) All registry books shall be as nearly as may be of the like size and description as those heretofore furnished, and shall continue to be of one uniform size as nearly as practicable.

(3) From the time the books are so provided and received at the registry office the registrar shall keep and cause to be used for that purpose a separate registry book for and of each township, city, town and village and for each town plot laid out by the Crown within his registry division.

(4) Every registrar shall keep a general registry book herein called the “general register” for the whole of the registry division, which shall be used for the purposes hereinafter set forth and every registrar shall keep an alphabetical index of the names of all the parties mentioned by name in every instrument but in the case of wills, probates and letters of administration with the will annexed it shall be sufficient to enter only the name of the testator and executors.

(5) The registrar shall also keep a by-law book in which shall be entered the registration number of every money by-law, the number of the by-law and its title, and name of the municipality, the amount of the debt, the rate of interest and
the period for which the debentures are to run, and where the rates are to be levied on part only of the rateable property in the municipality, that fact shall be stated.

(6) No entry in respect of the by-law shall be made in the general register.

(7) Where, before the 7th day of April, 1896, wills had been recorded in the separate books of a registry division but not in the general register when the same ought to have been recorded therein and in other cases where in his opinion public convenience so requires, the Inspector may, by order in writing, direct that an alphabetical index shall be prepared and kept of the names of all persons mentioned by name in such wills and designating the book or books and the pages thereof in which such wills are recorded, and the treasurer shall, for such index and the preparation thereof: pay to the registrar such sum as the Inspector may order in writing. R.S.O. 1927, c. 155, s. 21 (1-7).

(8) The general register shall be used for recording wills, probates, grants of administration, general appointment of new trustees, certificates of judgment or orders of any court removing or appointing executors, administrators, guardians or trustees, and powers of attorney in which there is a general devise or power affecting land without local description, and claims for lien under The Mechanics' Lien Act against land which constitutes the line of railway or right of way of a railway company, general certificates of payment of succession duties under subsection 7 of section 56, and also certificates of amalgamation of loan corporations, and where a mortgage of railway or other lands was registered prior to the 1st day of April, 1899, in the general register of any registry division, a discharge of such mortgage or a reconveyance of the mortgaged premises may be registered therein. R.S.O. 1927, c. 155, s. 21 (8); 1929, c. 43, s. 3; 1931, c. 23, s. 10 (2); 1933, c. 59, s. 18 (1).

(9) When a registrar requires a new registry book, or any other book for the use of his office, the same shall, on his application therefor in writing, be furnished to him by the treasurer, and all books so furnished shall be paid for by the treasurer.

(10) All books so furnished, used and kept shall be the property of His Majesty.

(11) The Inspector, when for the despatch of business he finds it necessary, may, by order in writing, permit more than one registry book to be in use at the same time for the same municipality. R.S.O. 1927, c. 155, s. 21 (9-11).
22. If the treasurer refuses or neglects to furnish any such book within thirty days after application therefor the registrar may provide the same and recover the cost thereof from the municipal corporation of the county or city in default. R.S.O. 1927, c. 155, s. 22.

23. The registrar shall certify (Form 2) respecting each register or other book so furnished or provided. R.S.O. 1927, c. 155, s. 23.

24.—(1) Where a new registry division is established consisting wholly or in part of territory which theretofore formed part of an existing registry division, the registrar of the registry division from which such territory is detached shall deliver to the registrar of the registry division of which it becomes part or in which it is comprised,—

(a) the registry books and all other books and indexes which have been kept according to law exclusively for such territory or any part of it;

(b) the original memorials of all instruments and documents relating exclusively to land within such territory, including deposits filed in pursuance of The Custody of Documents Act;

(c) all maps of municipalities within such territory deposited according to law in his office, and all registered plans relating exclusively to land within such territory;

(d) an abstract index book of all instruments relating to land within such territory registered before separate registry books were kept for each township or place;

(e) a proper registry book containing full and complete copies of all memorials and other registered instruments, including deposits filed in pursuance of The Custody of Documents Act, affecting such land which are not under the provisions of clause b required to be delivered, or which, though relating exclusively to land within such territory, are entered in a registry book not required to be delivered as provided by clause a;

(f) another proper registry book containing copies of all wills and other instruments registered in a general register in which the names of any of the parties to them have been entered in the alphabetical index kept for any part of the territory;
(g) a copy of the alphabetical index attached to any such general register;

(h) copies of all plans which, though not affecting exclusively such territory, include within their boundaries any portion of it.

(2) The copies mentioned in clause e of subsection 1 shall be entered in the registry book in the same order in which they are entered in the original registry book, and the registrar shall write on the margin of such first mentioned book opposite to the entry of each memorial or instrument the number of it and the time at which the same was registered as appears by the indorsement thereon.

(3) Each registry book to be delivered shall have or be accompanied by an alphabetical index of names.

(4) The registrar shall carefully compare all entries made in the registry books which he is required to deliver with the original entries in the registry books in his office, and shall write and sign a certificate that he has done so in each book before delivering it.

(5) The registrar who receives any original memorial or instrument under the provisions of this section which is not copied in any registry book delivered to him shall cause the same to be copied in a proper registry book.

(6) A registrar who fails to perform the duties imposed on him by subsections 1 to 5 of this section within six months after the territory is detached from his registry division, or within any extended period allowed by the Inspector under the provisions of subsection 7, shall incur a penalty not exceeding $400.

(7) The Inspector may extend such period of six months for a further period not exceeding six months. R.S.O. 1927, c. 155, s. 24.

25. Where a registrar is removed from or resigns his office he shall forthwith deliver up all books, plans, instruments, memorials and indexes in his possession as registrar to the person who is appointed registrar in his stead, or to any other person who may be appointed in writing, by the Attorney-General for Ontario to receive the same, and if the registrar refuses to do so the Attorney-General may direct the sheriff of the county to seize and take immediate possession of the same wheresoever found, and the registrar so offending shall incur a penalty not exceeding $2,000, and, in the discretion of the court, may also be imprisoned for any period not exceeding one year. R.S.O. 1927, c. 155, s. 25.
26.—(1) Where any book, from age or use, is becoming obliterated or unfit for future use the Inspector shall, by direction in writing under his hand, order that it be re-copied in a book of the same description as that prescribed by section 21, so far as the same can be deciphered by examination thereof and of the original instruments or memorials relating thereto.

(2) Such book, having the order of the Inspector inserted at the beginning, and having the affidavit or declaration of the registrar or his deputy at the end, to the effect that it is a true copy of the original book, shall be accepted and received as the original, and as prima facie evidence that the copy is a true copy, but the original book shall nevertheless be carefully preserved.

(3) The Inspector may order any book which is out of repair to be repaired in such manner as he thinks necessary, and may order plans and maps deposited in any registry office to be copied, mounted or bound, and to be preserved in such manner as he thinks necessary.

(4) The Inspector may order as many counterparts or copies of any abstract index book to be made as he shall deem necessary for the public convenience, and may order new abstract indexes to be made when the indexes in use have become complicated or otherwise inconvenient.

(5) When authorized so to do by the Lieutenant-Governor in Council the Inspector may order new surveys and plans to be made of any locality or territory in a registry division which, in his judgment, have become necessary, whether such locality or territory has or has not been subdivided according to a registered plan. R.S.O. 1927, c. 155, s. 26.

(6) When an abstract index is to be recopied, it shall not be necessary to include in such recopying any of the instruments which have been ruled off as provided by section 71 or any portion of the abstract index containing a record of the instruments registered forty years or more before the date of the commencement of such recopying, but it shall be the duty of the registrar to carefully preserve such abstract index and it shall be available for inspection as in the case of current indexes. 1929, c. 43, s. 4.

27. Subject to the provisions of section 28 the fees and expenses for services rendered under sections 24 and 26 shall be paid by the treasurer of the county, and a town separated from the county for municipal purposes, and a city for which there is not a separate registry office shall pay to the county
such equitable proportion thereof as the Inspector shall direct.  
R.S.O. 1927, c. 155, s. 27.

28. The Inspector may order the expenses of new surveys and plans, and the registration thereof under the provisions of section 26, to be paid by the treasurer of any local municipality concerned, or in part by the county treasurer and in part by the treasurer of the local municipality, and the local municipality may, subject to the order of the Inspector, cause such expenses or part thereof to be levied by assessment on all rateable property comprised in the portion of the municipality affected by such plan or survey.  R.S.O. 1927, c. 155, s. 28.

29.—(1) The registrar, in a book (Form 3), called the Abstract index of lots, will enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or as defined on any registered plan of the subdivision of such land into smaller sections or lots.

(2) Every instrument which mentions such parcel or lot of land or other subdivision, the names of every party to such instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries by law required, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land.  R.S.O. 1927, c. 155, s. 29.

30. Every registrar shall also keep, for each township, city, town, and village, and for each town plot laid out by the Crown an alphabetical index of names (Form 4), exhibiting in columns the number of each instrument, the names of the grantors, and the names of the grantees.  R.S.O. 1927, c. 155, s. 30.

INSTRUMENTS THAT MAY BE REGISTERED.

31. Except as herein otherwise provided, and subject to the provisions of section 32, all instruments mentioned in section 1 may be registered.  R.S.O. 1927, c. 155, s. 31.

32.—(1) Except as provided by subsection 8 of section 21, no instrument which affects land without local description shall be registered unless the instrument, when offered for registration in addition to the ordinary proofs for registration, has attached to it a statutory declaration by one of the parties
to the instrument, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of such party, to the effect that the instrument affects land within the registry division, and giving a local or general description of such land sufficient to enable the same to be traced or ascertained by a surveyor, and thereupon such instrument shall be recorded in the proper separate registry book and particulars thereof entered in the abstract index and in all other books in the same manner as if the instrument itself had contained the local description of the land.

(2) Where an instrument affecting land without local description is, under this section, recorded in the separate registry books it may be further recorded and entered therein so as to affect other land by local description, by the registration of a statutory declaration (Form 15), to be made by any of the persons in this section mentioned.

(3) Where an instrument has been or is recorded in the general register particulars thereof may be recorded in the separate registry books by the registration of a like statutory declaration.

(4) Such last-mentioned statutory declaration shall be recorded in the proper registry books, and particulars thereof entered in the abstract index and in all other books in the same manner as upon the registration of an instrument which affects land by local description.

(5) Any statutory declaration in this section mentioned may, where one of the parties to an instrument is a corporation, be made by an officer thereof, or where one of the parties entitled to make a declaration is absent from Ontario it may be made by his solicitor.

(6) In this section “local description” shall mean a local or general description of land sufficient to enable the same to be traced or ascertained by a surveyor.

(7) Except mortgages, incumbrances or liens, made or given by the original nominee of the Crown, or by any person through whom a person, obtaining a grant of land from the Crown, derived title, no instrument affecting land that has not been granted by the Crown shall be registered. R.S.O. 1927, c. 155, s. 32.

33.—(1) An instrument other than a will, grant from the Crown, Order-in-Council, by-law or other instrument under the seal of any corporation, certificate of judicial proceedings or an instrument which may be registered by deposit of a certified copy shall not be registered unless accompanied by an affidavit (Form 5) of a subscribing witness, not being a
party to the instrument, as to the execution of the instrument by each party who appears to have executed the same, setting forth the name, place of residence, addition, occupation or calling of the witness, and deposing to,—

(a) the execution of the original and of the duplicate, if any, by the party to whose execution thereof he is a witness;

(b) the place of execution by such party;

(c) that he knows that the person who executed the instrument in his presence is the party to the instrument as to whose execution thereof he deposes;

(d) that he is a subscribing witness to the instrument.

(2) The affidavit shall be made on or securely attached to the instrument.

(3) An instrument may be registered notwithstanding that the Christian name or names of the subscribing witness making the affidavit is or are only set forth therein by initials or abbreviation and not in full.

(4) The proof of the execution of an instrument made before the 1st day of September, 1910, which was sufficient proof for registration before that day, shall be sufficient proof for registration under the provisions of this Act. R.S.O. 1927, c. 155, s. 33.

34. An instrument, not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person executing the same in respect of a purchase or delivery of any goods or in respect of an advance or loan of money, shall not be registered unless the affidavit of execution (Form 6) states that the instrument was read over and explained to the person executing the same, and that he appeared perfectly to understand the same, and was informed that it might be registered as an incumbrance on his land. R.S.O. 1927, c. 155, s. 34.

( NOTE.—See section 70 as to discharge of such claims.)

35.—(1) Every affidavit made under the authority of this Act shall be made before the registrar or deputy registrar of the registry division in which the land lies, or before some person authorized by law to take affidavits in or for use in Ontario.
Where affidavit made out of Ontario.

Affirmation or declaration in certain cases.

While an affidavit of execution is made out of Ontario before a person who has not an official seal it shall be sufficient for him so to certify. R.S.O. 1927, c. 155, s. 35.

36. The proof may be by affirmation or declaration when the person before whom the same is made certifies that, by the law of the country where the proof is made, an affirmation or declaration may be substituted for an affidavit. R.S.O. 1927, c. 155, s. 36.

Parties not to take affidavit.

Witnesses to sign.

No person authorized to take affidavits shall take an affidavit of the execution of an instrument to which he is a party; nor shall such an affidavit be taken from a witness unless the witness has subscribed his name in his own handwriting as such witness. R.S.O. 1927, c. 155, s. 37.

38. Every subscribing witness shall be compellable, by order of a judge of the Supreme Court or of a county or district court, to make affidavit or proof of the execution of an instrument for the purpose of registration, and to do all other acts necessary for that purpose, upon being paid or tendered his reasonable expenses therefor. R.S.O. 1927, c. 155, s. 38.

Witnesses mentally ill, mentally defective, absent, etc.

Where the witnesses to an instrument are dead or are out of Ontario, or have become mentally ill, mentally defective or of unsound mind or understanding, and whether so found by inquisition or not, or where an instrument, not by law requiring an attesting or subscribing witness thereto, has been executed without an attesting or subscribing witness, or if it is proved that the place of abode or residence of such first mentioned witnesses is unknown, any person who is or claims to be interested in the registration of the instrument may make proof before any judge of any county or district court, of the execution of the instrument, and upon a certificate (Form 7) being endorsed on the instrument and signed by the judge, the registrar shall register the instrument and certificate. R.S.O. 1927, c. 155, s. 39.

Seal of court or seal of corporation, with signature of officer to suffice for registration.

40. The seal of a court of record affixed to an instrument of itself, and the seal of a corporation affixed to an instrument with the signature of the secretary, manager, or attorney or presiding officer thereof, shall be sufficient evidence for the purpose of registration, of the due execution of the instrument by the judge, or the officer of the court signing the same, or by the corporation. R.S.O. 1927, c. 155, s. 40.

Judgment affecting lands may be registered.

41. Every judgment or order affecting land may be registered in the registry office of the registry division in which
the land is situate on a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order and the land affected thereby. R.S.O. 1927, c. 155, s. 41.

(NOTE.—As to registration of order of Mining Court, vesting land in co-owner who has paid acreage tax, see The Mining Tax Act, Rev. Stat. c. 28.)

42.—(1) Where an instrument is registered the registrar shall deliver a certified copy or copies thereof as may be required of him, and of all the documents connected with or relating to the same, under his signature and seal of office, and in his certificate he shall state the time, place and other particulars of registration, and that the copy which he so delivers is a true copy of the instrument, and of all the other documents connected with or relating to the same of which they respectively purport to be copies, and in the case of a will that the affidavit proving the due execution of it is deposited in his office.

(2) Every such certified copy may be registered in any other registry office, by deposit thereof, without production of the original instrument and without proof other than the production of the copy so certified.

(3) Where an instrument is deposited in an office of land titles, or is registered in the office of the clerk of a county or district court, a copy thereof certified by the officer in whose office it is deposited or registered may be registered in any registry office in the same manner as a copy of an instrument certified by a registrar.

(4) A power of attorney or other instrument conferring authority upon an officer or person to act for an incorporated company, executed by the company and deposited in the office of any department of the Government, may be registered by the deposit of a copy thereof certified by the proper officer of that Department and without production of the instrument or proof of the execution thereof. R.S.O. 1927, c. 155, s. 42.

(NOTE.—As to evidence by certified copy, see The Evidence Act, Rev. Stat. c. 119, ss. 47 and 48.)

43. A notarial copy of an instrument executed in the Province of Quebec, the original of which is filed in a notarial office according to the law of Quebec, and a prothonotarial copy of an instrument executed in Quebec may be registered and shall be treated under this Act for all purposes as if it were the original instrument, and such notarial or prothono-
44. Every deed or conveyance and every charge or mortgage registered under this Act, shall by endorsement thereon show the full name and place of residence, giving the street number, if any, of the grantee or mortgagee, as the case may be. R.S.O. 1927, c. 155, s. 44.

INSTRUMENT IN FOREIGN LANGUAGE.

45. Where an instrument or an affidavit of execution is written wholly or in part in a language other than English there shall be produced with the instrument or the affidavit of execution a translation into English, together with an affidavit by the translator stating that he understands both languages and has carefully compared the translation with the original, and that the same is in all respects a true and correct translation, and the registrar shall not enter the instrument or affidavit in the language in which it is written but shall copy from the translation. R.S.O. 1927, c. 155, s. 45.

MANNER OF REGISTERING.

46. (1) Unless otherwise provided, every instrument which may be registered under this Act shall be registered upon and by delivery to and deposit with the registrar of the instrument or of a duplicate or other original part thereof with all necessary affidavits, and, unless otherwise provided, every such instrument shall be recorded at full length in the proper book, including every certificate and affidavit accompanying it, except registrar's certificates.

(2) The registrar shall not be bound to receive for registration or to register an instrument unless the proper fees are first paid. R.S.O. 1927, c. 155, s. 46.

(3) Every instrument registered shall be forthwith stamped on every page by the registrar with a perforating stamp bearing the word "Registered." 1937, c. 67, s. 5.

47. (1) When a mortgage has endorsed upon it the words "not to be recorded in full," the mortgage shall not be copies into the registry book.

(2) The mortgage shall be numbered as other instruments are required to be numbered in the registry book in its proper order, and the marginal note made as required by section 53,
and the registrar shall at the time of the registration enter opposite the number in the registry book the words "Mortgage not recorded in full," and shall also give the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption, the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the location.

(3) The fee payable for registration, not including more than four distinct parcels of land having a separate heading in the abstract index, shall be $1.50, and for each additional parcel requiring entry to be made under a separate heading in the abstract index, five cents.

(4) Where the mortgage embraces two or more parcels of land situate in different municipalities in the same registry division there shall be paid a further fee of twenty-five cents for each municipality after the first.

(5) After the registration of the mortgage the registrar, upon the application of any person claiming to be interested in the mortgaged land, and upon payment of the prescribed fees as set out in section 95, less the amount already paid for registration, shall cause such mortgage to be recorded in full in the registry book.

(6) The registrar shall indicate in the abstract index, in the case of the registration of a mortgage endorsed "Not to be recorded in full," that the same has not been recorded in full, and where it has afterwards been recorded in full, under the provisions of subsection 5, the registrar shall note in the abstract index opposite the entry, "Subsequently recorded in full," giving the date of recording and the number and page of the registry book.

(7) In this section the word "mortgagee" shall include the assignee of a mortgage and a person obtaining any security coming within the terms of section 34, and the word "mortgage" shall include an assignment of a mortgage and an agreement to extend the time for payment of a mortgage or any such security. R.S.O. 1927, c. 155, s. 47.

48.—(1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration, is registered in the same registry office, but when such power of attorney or a certified copy thereof cannot be produced proof may be made before a judge of any county or district court of the execution of the instrument, and upon a certificate (Form 7)
1894 Chap. 170. REGISTRATION OF DEEDS. Sec. 48 (1).

being endorsed on the instrument and signed by the judge that he is satisfied by the proof adduced of the due execution of the instrument the registrar shall register the instrument and certificate.

(2) Where an instrument, signed or executed by any person by attorney, is registered the registrar shall enter a note of the fact of such signature or execution by attorney, giving the name of the attorney, on the abstract index and on all abstracts of title thereafter furnished by him relating to the land affected by the instrument.

(3) Subsection 1 shall not apply to instruments purporting to be executed by attorneys or commissioners for the Canada Company, the Trust and Loan Company of Canada, the Scottish Ontario and Manitoba Land Company, the North British Canadian Investment Company, the North of Scotland Canadian Mortgage Company, Limited, or the Scottish American Investment Company. R.S.O. 1927, c. 155, s. 48.

49. Where an instrument in two or more original parts is registered the registrar shall endorse upon each of such parts a certificate of the registration (Form 8) and any part so certified shall be received as prima facie evidence of the registration of the instrument and of the due execution of the same. R.S.O. 1927, c. 155, s. 49.

50. Where an instrument includes parcels of land situate in different municipalities in the same registry division it shall only be necessary to furnish the instrument or one original part of the instrument, with an affidavit of its execution, and the instrument and affidavit shall be copied into the registry book for each municipality or place wherein any of the land therein mentioned is situate, and the registrar shall make the necessary entries and certificates. R.S.O. 1927, c. 155, s. 50.

51.—(1) Where a conveyance or mortgage is made by a man and no one joins therein as his wife it shall not be regis-
tered unless there be made on or securely attached to it an affidavit or statutory declaration by such man that he is married, unmarried, or a widower, as the case may be, and of the full age of twenty-one years.

(2) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 1 cannot be obtained conveniently the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with such affidavit or declaration, and thereupon shall endorse upon the instrument
or firmly attach thereto his order directing the registrar to register the instrument notwithstanding the absence of such affidavit or declaration, and the registrar shall thereupon register such instrument.

(3) In the case of a conveyance the registrar shall copy the affidavit, declaration or judge’s order in the register with the copy of such conveyance and the additional copying shall be computed and charged for as part of the deed. 1929, c. 43, s. 5; 1930, c. 34, s. 3.

(4) This section shall not apply to a conveyance made in pursuance of power of sale contained in a mortgage, a conveyance or mortgage from a man wherein his wife is the grantee or mortgagee or one of them and is described as his wife therein, a conveyance or mortgage by persons who are the registered owners of the lands as trustees or as joint tenants or those holding the same as partnership property or under power of appointment, provided they are so described in the conveyance of the land to them, or to a mortgage of leasehold lands, or to a conveyance or mortgage made by an executor or administrator or a trustee under a will or by the Public Trustee or other person dealing with land in an official capacity. 1930, c. 34, s. 2.

52.—(1) When an instrument is registered the registrar shall make an entry thereof in the abstract and alphabetical index books, and record the instrument in the registry book in the order in which it is received, and file the same with the affidavit of execution and any other affidavit or certificate accompanying it, and shall endorse on every such instrument and upon every duplicate or other original part of it a certificate (Form 8) and shall therein mention the year, month, day, hour and minute in which the instrument was registered, stating in what book the same has been recorded, and the registration number, and shall sign the certificate, which shall be allowed and taken in all courts as evidence of the respective registries.

(2) The registrar shall see that all copies of instruments in the registry books are true copies, and he or his deputy or clerk shall certify all such copies by writing “Examined and certified true copy” in the margin opposite every copy in the book, appending his initials and the date.

(3) When a registry book is completed the registrar, his deputy or clerk, shall at the end thereof show by a statutory declaration that the copies contained in such book and certified by him are true copies of the original instruments of which they purport to be copies. R.S.O. 1927, c. 155, s. 51.
53. Every page of the registry book and every instrument recorded therein shall be numbered and the year, month, day, hour and minute of registration shall be entered in the margin of the registry book (Form 9), and the entry shall be signed by the registrar or his deputy. R.S.O. 1927, c. 155, s. 52.

Crown Grants.

54. Grants from the Crown shall be registered by registering the grant or an exemplification thereof or by producing the grant or an exemplification thereof, with a true copy thereof with an affidavit verifying such copy, and the copy shall be deposited with the registrar, and the correctness of it shall be verified by the registrar or his deputy. R.S.O. 1927, c. 155, s. 53; 1937, c. 67, s. 6.

Orders-in-Council.

55. Orders-in-Council shall be registered by depositing a copy of the order certified by the clerk of the council in accordance with the provisions of The Custody of Documents Act. R.S.O. 1927, c. 155, s. 54; 1936, c. 56, s. 14 (1).

Wills.

56.—(1) A will shall be registered,

(a) by the production of the original will and the deposit of a true copy thereof with an affidavit verifying such copy, and with an affidavit sworn to by one of the subscribing witnesses to the will proving the due execution thereof by the testator; or

(b) by the production of probate or letters of administration with the will annexed, or an exemplification or certified copy thereof, under the seal of any court in Ontario, or in Great Britain and Ireland, or in any British province, colony, or possession, or in any foreign country having jurisdiction therein, and by depositing a true copy of the probate, letters of administration, or exemplification or certified copy with an affidavit verifying such copy or by depositing the said probate, letters of administration, exemplification or certified or notarial copy. R.S.O. 1927, c. 155, s. 55 (1); 1937, c. 67, s. 7.

Verification. (2) The correctness of the sworn copy shall be verified by the registrar or his deputy.
(3) Where a will is registered by the production of the original will the affidavit of the subscribing witness or of some other person shall state that the testator is dead.

(4) Unless with the consent in writing of the Treasurer of Ontario, or of some one authorized by him to consent an original will or an exemplification or certified copy of probate or letters of administration with the will annexed under the seal of any court in Great Britain and Ireland, or in any British province, colony or possession, or in any foreign country having jurisdiction therein, shall not be registered under this section unless accompanied by a certificate of the registrar of the surrogate court of the county in Ontario where the deceased had a fixed place of abode, or where the lands, or any of them, devolving by the will are situate, showing that a statement has been filed with him similar to that required by section 21 of The Succession Duty Act, and such certificate shall be deposited with the registrar.

(5) All wills shall be recorded in the general register and properly indexed, and where a will contains a devise of or charges, or otherwise affects land described therein by a description sufficient to readily identify same, it shall also be entered in the abstract index against the lands so described. R.S.O. 1927, c. 155, s. 55 (2-5).

(6) Subject to the provisions of subsection 4, whether letters probate or letters of administration have or have not been granted, no deed, grant, conveyance, mortgage, assignment of mortgage, discharge of mortgage or other instrument purporting to convey, transfer or assign,—

(a) any property standing in the name of a deceased person or held in trust for him or in the names of a deceased person and any other person;

(b) any property over which the deceased person had, at the time of his death a general power of appointment, notice of which appears in any register, book, document or instrument or on any abstract in the registry office;

(c) any property in which the deceased person at the time of his death had any registered beneficial interest whatsoever;

shall be tendered for registration, unless the consent in writing of the Treasurer of Ontario is attached thereto or endorsed thereon, and until such consent is given, notwithstanding anything contained in The Devolution of Estates Act, any and so conveyed shall not vest in the person beneficially
entitled thereto or his assigns or any person claiming under him. 1931, c. 23, s. 10 (3) part; 1932, c. 17, s. 2 (1).

(7) The Treasurer of Ontario may issue a general certificate that all succession duty payable in respect to the estate or any lands forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under the provisions of The Succession Duty Act has been given, and upon registration of the certificate it shall not be necessary that the provisions of subsection 6 be complied with in respect to any lands described in such certificate. 1931, c. 23, s. 10 (3) part.

(8) A certificate to be registered under subsection 7 shall contain a local description of the lands mentioned therein or a description by reference to a registered instrument and registration thereof shall be made by production of the original certificate and deposit of a true copy thereof or of so much thereof as relates to the lands situate in the registry division for which the same is to be registered with an affidavit verifying such copy. 1931, c. 23, s. 10 (3) part; 1932, c. 17, s. 2 (2).

(9) Certificates registered under subsection 8 shall be recorded in the general register and particulars thereof entered in the abstract index against the lands described therein. 1933, c. 59, s. 18 (2).

(10) Notwithstanding anything herein contained, the above consent shall be required only once in connection with the same property in the same estate.

(11) Subsections 6 to 10 shall not apply where the deceased person died prior to the 1st day of January, 1930. 1932, c. 17, s. 2 (3).

**Letters of Administration.**

57. Letters of administration which under The Devolution of Estates Act affect land shall be registered in the same manner as a probate of a will. R.S.O. 1927, c. 155, s. 56.

**Probates and Letters of Administration to be Registered.**

58. No instrument purporting to convey or otherwise deal with land in any manner shall be registered if executed by any person as devisee, legatee, executor or administrator of the estate of a deceased person who at the time of his death appears from the register to have been in any wise possessed of or interested in the land in question unless before the time of registration of such instrument the will or the letters probate of the will or the letters of administration under which
the person executing such instrument claims to be entitled has or have been registered in the registry division in which
the land in question is situate and the date of registration
and registered number thereof have been inserted in the
body of the instrument or in its margin. 1929, c. 43, s. 6.

Notice of Sale Under Mortgage.

59.—(1) A notice of sale of land under the provisions of
The Mortgages Act, and a notice of exercising the power of
sale contained in any mortgage and the affidavit or declaration
of service thereof may be registered, and the same shall
be registered in the same manner as an instrument affecting
land, but it shall not be necessary to record the notice or
the affidavit or declaration of service attached thereto in
the registry book.

(2) The affidavit or declaration shall be made by the per-
son who served the notice, and shall prove the time, place and
manner of such service, and that the copy delivered to the
registrar is a true copy of the notice served.

(3) A copy of the registered notice and affidavit or declara-
tion certified under the hand and seal of office of the registrar
shall be prima facie evidence of the service of the notice as
stated in the affidavit or declaration.

(4) Where the person who served the notice is dead or out
of Ontario, or where it is proved to the satisfaction of a judge
of a county or district court that the place of abode of such
person is unknown, or that he is incapable of making an
affidavit or declaration of service, or where service of such
notice has been or is duly admitted any person who is or who
claims to be interested in the registration of the notice may
make proof before the judge of the service of the notice, and
upon a certificate of such judge endorsed on or attached to the
notice and signed by him to the effect that from the proof
adduced by the person producing the proof, naming him, he
is satisfied of the due service of the notice, the registrar shall
register the notice and certificate.

(5) Where the notice cannot be produced to be registered
any person who is or who claims to be interested in the regis-
tration of the notice may make proof before the judge of the
service thereof and of the inability to produce the same, and
upon depositing a certificate of such judge to the effect that
from the proof adduced by the person producing the proof,
naming him, he is satisfied of the due service of the notice
upon the person served, naming him, and that the same can-
not be produced the registrar shall register the certificate,
and a copy of such certificate under the hand and seal of the
Other
registry
offices.

When mort-
gage to be
recorded in
full.

Registrar shall be \textit{prima facie} evidence of the facts therein stated.

(6) Where a notice of sale or a certificate of a judge under subsection 4 or 5 has been registered, the same may be registered in any other registry office by depositing a copy thereof, certified in the manner provided by section 42.

(7) From and after the 1st day of July, 1927, no final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in a mortgage which has been registered "not in full" shall be registered until the said mortgage and any assignment thereof has been duly copied in full in the proper registry book pursuant to subsection 5 of section 47. R.S.O. 1927, c. 155, s. 57; 1933, c. 59, s. 18 (3); 1934, c. 50, s. 3.

Reg. Stat.,
c. 100, 125,
209, 47, 84,
392.

\textit{NOTE.}—As to registration of orders and judgments for alimony, see \textit{The Judicature Act}; as to registration of notice of seizure of a mortgage by sheriff, see \textit{The Execution Act}; as to registration of mechanics' liens and discharges of liens, see \textit{The Mechanics' Lien Act}, and for liens on mining claims and rights, \textit{The Mining Act}. See also \textit{The Northern Development Act} and \textit{The Mental Hospitals Act}.

\textbf{60.} The registration of an instrument executed before the 1st day of January, 1866, may be made through a memorial or by certificate or otherwise, as provided by the law in force before that date. R.S.O. 1927, c. 155, s. 58.

\textbf{61.} The proof that would before the 1st day of January, 1866, have been sufficient for the registration of an instrument executed before that date, shall be sufficient for the registration hereafter of any such instrument, but the instrument shall be recorded at full length, and the memorial and affidavit shall be deposited with the registrar in lieu of the original. R.S.O. 1927, c. 155, s. 59.

\textbf{62.}—(1) An instrument which has been registered by memorial, and has endorsed thereon a certificate of the registration thereof, may be re-registered in the same or any other registry division by the production of the original instrument and by the deposit of a copy with an affidavit verifying the same.

\textbf{(2)} The registrar shall record the instrument, the affidavit of verification and the certificate of former registration at full length, and shall write in the margin of the registry book the words "Original not deposited," and, where the former registration was made in the same office, the registrar shall write
upon the entry of the memorial in the registry book a memorandum as follows: "Re-registered and recorded in full as No. ____________, " giving a reference to the number and registry book where the instrument is recorded in full, and he shall also note the re-registration in red ink wherever the memorial is entered in an abstract index.

(3) The registrar shall also endorse upon the original instrument a certificate of the re-registration (Form 8).
R.S.O. 1927, c. 155, s. 60.

Discharges of Mortgages.

63.—(1) In the case of a registered mortgage the registrar on receiving a certificate (Form 10), executed by the mortgagee, his executors, administrators or assigns, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, and duly proven in the manner provided for the proof of other instruments, shall register the same, and record it and every affidavit attached to or endorsed on it, at full length in the proper order, in the registry book, and number it in like manner as other instruments are required to be registered, recorded and numbered. R.S.O. 1927, c. 155, s. 61.

(2) Where a discharge of mortgage is tendered for registration, there shall be produced to the registrar the duplicate mortgage and assignments thereof, if any, or a declaration by the person signing such discharge, stating that the original duplicate mortgage or duplicate of any assignment thereof cannot be produced and the reason therefor and in such case, the declaration shall be securely attached to and filed away with the discharge and the duplicate so produced shall be returned to the party registering the discharge.

(3) Where the person signing such discharge has since died or is out of the Province of Ontario or his place of residence is unknown to the person interested in the registration of the discharge, or where in the opinion of the registrar for any other reason the necessary declaration cannot conveniently be obtained, the registrar may register the discharge upon receiving a declaration from some person having a knowledge of the facts stating reasons satisfactory to the registrar why a declaration by the proper person cannot be obtained, provided that if the registrar then refuses to register the discharge, the person interested in the registration of such discharge may apply to a county judge for an order permitting such registration, and in such case the declaration or judge's order shall be securely attached to and filed with the discharge. 1929, c. 43, s. 7, part; 1930, c. 34, s. 4.
(4) The duplicate mortgage and any duplicate assignment before being returned shall be stamped by the registrar with a perforating stamp bearing the words, "Discharge Registered," across the signatures of the parties executing the mortgage and assignment, if any, and on the registrar's certificate of registration. 1929, c. 43, s. 7, part; 1937, c. 67, s. 8.

(5) No additional fee shall be charged for filing the declaration referred to in subsections 2 and 3 and it shall not be necessary to copy the declaration in the register. 1929, c. 43, s. 7, part.

64. Where a loan corporation which has acquired the assets of another loan corporation by amalgamation of such corporation and the certificate of such amalgamation has been registered desires to discharge any of the mortgages of such corporation it shall be sufficient to set forth in the instrument to be registered the fact of the assent of the Lieutenant-Governor in Council to such amalgamation with the date of the certificate of amalgamation and its registered number in the registry division in which the land affected is situate, or mentioning the Act by which the loan corporations were amalgamated or by which the agreement was ratified, and upon registration of the discharge the registrar shall enter in the abstract index the facts mentioned in the discharge. R.S.O. 1927, c. 155, s. 62.

65.—(1) Where a mortgage has been paid off by any person advancing money by way of a new loan on mortgage on the same land and the mortgage so paid off or the discharge thereof is held by the mortgagee making the new loan, the discharge of the mortgage so paid off shall be registered within six months from the date thereof, unless the mortgagor shall, in writing, have authorized the retention of the discharge for a longer period.

(2) The registration shall not affect the right, if any, of the mortgagee who may have paid off such mortgage, his assignee, or any person claiming under him, by purchase or otherwise, to be subrogated to the rights of the mortgagee whose mortgage debt has been so paid. R.S.O. 1927, c. 155, s. 63.

66.—(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until
such instruments or documents are registered the registrar shall not register such certificate of discharge.

(2) The certificate shall mention the date and the date of registration and the registration number of each of the instruments or documents through which the person executing the certificate claims interest in and title to the mortgage money, and the names of the parties thereto.

(3) This section shall apply to powers of attorney where the certificate of discharge or prior instrument or document is executed by attorney, provided that it shall be sufficient in the certificate of discharge to state the date of each instrument, document or power of attorney and the names of the parties thereto, and to endorse on the certificate the date of registration and registration number of each instrument, document, or power of attorney, which endorsement shall be signed by the person who signed the certificate, or his attorney or agent, and the endorsement shall be deemed to be part of the certificate.

(4) Where probate of will or letters of administration with the will annexed is required to be registered under this section, and the will is over seven folios in length, including the probate or letters, and does not affect land in the registry division, except in so far as the testator was the holder of a mortgage, it shall not be necessary to record the will at full length; but it shall be sufficient to deposit a copy of and record so much of the probate or letters as shows the grant of probate or letters and the appointment of executors or administrators.

(5) The copy shall be accompanied by an affidavit of the executors or administrators, or of one of them, or of his or their solicitor, verifying it and stating that there is nothing in the will limiting the right of the executors or administrators to receive the mortgage money and discharge the mortgage, and that the will does not affect land in the registry division in which the probate or letters is to be registered, except in so far as the testator was the holder of a mortgage comprising land in such registry division.

(6) Where the person whose duty it is to register such instruments or documents refuses or neglects to register the same within fifteen days after payment of the mortgage money to him, the person entitled to redeem the mortgage money, may, on giving ten days' notice in writing to the person so refusing or neglecting, apply in a summary manner to a judge of the county or district court of the county or district wherein the land or any part thereof mentioned in the mortgage is situate for an order directing that the person so refusing
or neglecting shall within a time to be fixed by the judge
register such instruments or documents at his own expense,
and the judge, upon being satisfied by affidavit or oral evidence
that the application is a proper one, may make the necessary
order.

(7) On being satisfied of the due service of the notice the
developer may proceed in the absence of the person so refusing or
neglecting.

(8) The notice shall state that it is given in pursuance of
this section. R.S.O. 1927, c. 155, s. 64.

67.—(1) Where the holder of a mortgage desires to
release or discharge part of the land comprised in it, or to
release or discharge part of the money secured by the mort-
gage, he may do so by deed or by certificate to be made, exe-
cuted, proven, and registered in the same manner and with
the like effect to the land or money released or discharged as
when the whole land and mortgage are released and dis-
charged.

(2) The deed or certificate shall contain as precise a descrip-
tion of the land released or discharged as is required in an
instrument of conveyance for registration, and also a precise
statement of the particular sum so released or discharg-
ed.

R.S.O. 1927, c. 155, s. 65.

68. Every certificate of payment or discharge of a mort-
gage or of the conditions therein or of the lands or any part
thereof, at any time given, and whether before or after the
time limited by the mortgage for payment or performance,
if in conformity with this Act shall, when registered, be a
discharge of the mortgage or of the lands in such certificate
described, as the case may be, and shall be as valid and effec-
tual in law as a release of the mortgage or of such lands and
as a conveyance to the mortgagor, his heirs or assigns of the
original estate of the mortgagor therein. R.S.O. 1927, c. 155,
s. 66.

69.—(1) Where a sheriff, bailiff of a division court or
other officer, under a writ or warrant of execution against
goods, seizes a mortgage belonging to the person against whose
goods the writ or warrant has issued, on or affecting land in
Ontario, the payment of the mortgage money in whole or in
part to the sheriff, bailiff, or other officer by the mortgagor,
or any other person or any person claiming under him, shall
satisfy the mortgage to the extent of such payment.

(2) After payment of the mortgage money or any part
thereof, the sheriff, bailiff, or other officer shall, at the request
and expense of the person requiring the same, give a certificate (Form 11) under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff and the seal of the court of which he is bailiff.

3) Upon the written request of the bailiff the clerk of the court shall affix to the certificate the seal of the court and he shall file the request of the bailiff in his office.

4) The execution of the certificate shall be proved in the same manner as in the case of other instruments affecting land, and the certificate shall be registered in the same manner as other certificates of discharge.

5) The certificate when registered, if the same is of payment in full of the mortgage, shall be as valid and effectual in law as a release of the mortgage and as a conveyance to the mortgagor, his heirs, executors, administrators, or assigns, or any person lawfully claiming by, through or under him or them, of the original estate of the mortgagor as if executed by the execution debtor.

6) The certificate when registered, if the same is of payment of only a part of the mortgage money, and effectual in law as a release of the mortgage, as to such part, as if executed by the execution debtor.

7) Where a mortgage has been seized by a sheriff or bailiff of the division court or other officer in the manner provided by law, and such seizure has been withdrawn, vacated or for any other reason set aside, the sheriff, bailiff or such other officer under whose hand notice of seizure has issued, may give a certificate directed to the registrar in whose office the notice of seizure is registered, to the effect that such seizure has been withdrawn, vacated or set aside as the case may be, and such certificate shall be registered in the registry office in the same manner and for the same fee as a discharge of mortgage. R.S.O. 1927, c. 155, s. 67.

70. Instruments of the nature mentioned in section 34 may be discharged, and the land affected thereby released therefrom by depositing in the proper registry office a certificate of discharge (Form 12). R.S.O. 1927, c. 155, s. 68.

71.—(1) Where a mortgage registered since the 1st day of January, 1890, is purported to be discharged and the certificate purporting to be the discharge thereof has been registered for ten years or more, and wherever a certificate of lis pendens registered since the 1st day of January, 1890, has been vacated and the certificate of the judgment or order vacating the same has been registered for two years or more,
the registrar shall wherever such mortgage or the said discharge thereof or any other instrument dealing exclusively with such mortgage and wherever such certificate of *lis pendens,* certificate of judgment or order vacating the same appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same, and the lands described in such mortgage or certificate of *lis pendens* shall be validly discharged therefrom.

(2) Where a certificate purporting to be a partial discharge of mortgage registered since the 1st day of January, 1890, has been registered for ten years or more and the mortgage does not affect any portion of the lot other than the portion described in the certificate of partial discharge, the provisions of subsection 1 shall apply to such partial discharge of mortgage in like manner as they would to the mortgage if wholly discharged.

(3) Subsections 1 and 2 shall extend to and include also instruments described in and registered under sections 34, 69 and 70.

(4) Where a mechanic's lien registered since the 1st day of January, 1890, is purported to be discharged and the document purporting to be the discharge thereof has been registered for two years or more and wherever a mechanic's lien registered since the 1st day of January, 1890, has been registered for two years and no certificate of action has been registered as required by The Mechanics' Lien Act, and wherever a mechanic's lien has been so registered and a certificate of action has also been registered and such certificate of action has been vacated or discharged and the order, or certificate of order vacating or discharging same has been registered for two years or more, the registrar shall, wherever such mechanic's lien or any assignment or discharge thereof, certificate of action, or order, or certificate of order vacating the same, appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same and such mechanic's lien shall be validly discharged and such certificate of action shall be duly vacated. 1929, c. 43, s. 8, part.

(5) Whenever a mechanic's lien has been registered as required by The Mechanics' Lien Act and a certificate of action has also been registered, and such certificate of action has been partially vacated or discharged, and such order vacating does not affect any portion of the lot other than the portion described in the said vacating order, and the said order or certificate of order partially vacating or discharging the same has been registered for two or more years, the provisions as to striking out shall apply. 1932, c. 17, s. 3.
(6) Where the Inspector considers it advisable he may authorize a registrar to employ such additional assistance as may be necessary to do properly the work required to be done by this section and in determining the amount to be allowed for this work the cost of such assistance shall be taken into consideration by the Inspector. 1929, c. 43, s. 8, part.

By-laws, etc.

72.—(1) Every by-law passed since the 29th day of March, 1873, or hereafter passed by a municipal council under the authority of which any street, road or highway is closed or under the authority of which any street, road or highway is opened upon any private property shall, before the same becomes effectual in law, be registered in the registry office of the registry division in which the land is situate, and the same shall be registered without further proof by depositing a copy certified under the hand of the clerk and the seal of the municipality.

(2) Every by-law passed before the 29th day of March, 1873, and every order and resolution of the quarter or general sessions of the peace passed before that day under the authority of which any street, road or highway has been opened upon any private property may at the election of any person or municipality interested and at the cost and charges of such person or municipality be registered by depositing a certified copy of the by-law under the hand of the clerk and the seal of the municipality, or a certified copy of the order or resolution of the quarter or general sessions under the hand and seal of the clerk of the peace.

(3) Every by-law, proclamation, Order-in-Council, order of the Ontario Municipal Board and other instrument of a public or quasi public nature whereby a village, town or city becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office by the municipality passing or procuring the same, and a copy of a by-law, certified under the seal of the corporation and by the head and the clerk of the municipality, and a copy of the proclamation, Order-in-Council, order of the Ontario Municipal Board or other instrument certified by the clerk of the Executive Council or the secretary of the Board, as the case may be, shall be sufficient proof for the purpose of registration.

(4) A money by-law of a municipal corporation shall be authenticated for registration by the production of a duplicate original or a copy of the by-law certified as required by The Municipal Act.
(5) The by-law or copy so certified shall be open to public inspection and examination at all reasonable times and hours upon payment of the proper fees. R.S.O. 1927, c. 155, s. 69.

REGISTRATION AND ITS EFFECT.

73.—(1) After the grant from the Crown of land, and letters patent issued therefor, every instrument affecting the land or any part thereof shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration without actual notice, unless such instrument is registered before the registration of the instrument under which the subsequent purchaser or mortgagee claims.

(2) This section shall not extend to a lease for a term not exceeding seven years where the actual possession goes along with the lease, but it shall extend to every lease for a longer term than seven years. R.S.O. 1927, c. 155, s. 70.

74. Priority of registration shall prevail unless before the prior registration there has been actual notice of the prior instrument by the person claiming under the prior registration. R.S.O. 1927, c. 155, s. 71.

75. No equitable lien, charge or interest affecting land shall be valid, as against a registered instrument executed by the same person, his heirs or assigns, and tacking shall not be allowed in any case to prevail against the provisions of this Act. R.S.O. 1927, c. 155, s. 72.

76. Every registered mortgage shall as against the mortgagor, his heirs, executors, administrators, assigns, and every other person claiming by, through or under him, be a security upon the land comprised therein to the extent of the money or money's worth actually advanced or supplied under the mortgage, not exceeding the amount for which such mortgage is expressed to be a security, notwithstanding that the money or money's worth, or some part thereof, was advanced or supplied after the registration of a conveyance, mortgage or other instrument affecting the mortgaged lands, executed by the mortgagor, his heirs, executors or administrators, and registered subsequently to such first-mentioned mortgage, unless, before advancing or supplying such money or money's worth, the mortgagee in such first-mentioned mortgage had actual notice of the execution and registration of such conveyance, mortgage or other instrument, and the registration of such conveyance, mortgage or other instrument after the registration of such first-mentioned mortgage, shall not constitute such actual notice. R.S.O. 1927, c. 155, s. 73.
77. The registration of an instrument under this or any former Act shall constitute notice of the instrument to all persons claiming any interest in the land, subsequent to such registration, notwithstanding any defect in the proof for registration, but nevertheless it shall be the duty of a registrar not to register any instrument except on such proof as is required by this Act. R.S.O. 1927, c. 155, s. 74.

78. An instrument which is or purports to be a power of attorney or authority to sell land in which the commission, payment for services, or other remuneration of the attorney or agent is made a charge on the land, shall, as against a subsequent purchaser or mortgagee for valuable consideration and as against the creditors of the person giving the power or authority, cease to charge the land with such commission, payment for services, or remuneration after the lapse of one year from the making of the instrument. R.S.O. 1927, c. 155, s. 75.

79. A will or the probate thereof and letters of administra-
tion with the will annexed registered within twelve months next after the death of the testator shall be as valid and effectual against subsequent purchasers and mortgagees as if the same had been registered immediately after such death, and in case the devisee, or person interested in the land devised in any such will, is disabled from registering the same within such time by reason of the contesting of such will or by any other inevitable difficulty without his wilful neglect or default, then the registration of the same within twelve months next after his attainment of such will, probate or letters of administration, or the removal of such impediment, shall be a sufficient registration within the meaning of this Act. R.S.O. 1927, c. 155, s. 76.

80. A deed of land made by a treasurer or other officer in pursuance of a sale for arrears of taxes shall be registered within eighteen months after the sale, and a deed of land sold under process issued from any court shall be registered within six months after the sale; otherwise any person claiming under any such sale shall be deemed not to have preserved his priority as against a purchaser or mortgagee for valuable consideration without actual notice who has registered his conveyance before the registration of such deed. R.S.O. 1927, c. 155, s. 77.

81.—(1) Except in the manner hereinafter provided after corrections, an instrument has been entered in the abstract and alphabetical indexes, and has been recorded in the proper registry book, no entry shall be made in the abstract index or in the
alphabetical index respecting such instrument; nor shall any alteration or correction be made in any entry previously made respecting any instrument, or in any copy of any instrument in any registry book.

Method.

(2) The registrar shall immediately, after becoming aware of any omission or error in recording, cause to be made in red ink such entries, alterations or corrections as are requisite, and a memorandum stating the date of every such entry, alteration or correction shall be made in red ink in the margin of the index or registry book opposite or near thereto, and such memorandum shall be signed by the registrar or his deputy. R.S.O. 1927, c. 155, s. 78.

When instruments to be deemed registered.

82. An instrument capable of and properly proved for registration shall be deemed to be registered when and so soon as the same is delivered either personally or by post to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made by any person in such instrument. R.S.O. 1927, c. 155, s. 79.

MISCELLANEOUS PROVISIONS.

Plans.

83.—(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan which has not been already registered the person making the survey and subdivision shall within three months thereafter register a plan of the land on a scale not less than one inch to every four chains.

(2) The plan shall show the number of the township, city, town or village lots and range or concession as originally laid out, and all the boundary lines thereof, within the limits of the land being subdivided except where such plan is a subdivision of a lot or lots on a former plan, in which case it shall show the numbers or other distinguishing marks of the lot or lots subdivided and the boundary lines thereof.

(3) The number or other distinguishing mark and the width both front and rear shall be marked on each lot of the subdivision, the scale shall also be marked on the plan, and such information as will show the depth of the lots and the courses of all the boundaries of, or the division lines between the same and the governing line or lines to which such courses are referred shall also be indicated.

(4) The position of all the posts or monuments, if any, planted by the surveyor, or of other objects marking the
boundaries of any of the lots or the corners thereof shall also be shown.

(5) The plan shall also show all roads, streets, railway land, rivers, canals, streams, lakes, millponds, marshes or other marked topographical features within the limits of the land so subdivided, together with such other information as is required to show distinctly the position of the land.

(6) On every such plan the lots shall be so described and designated by numbers, letters or words that there shall not be more than one lot on such plan described and designated by the same number, letter or word, notwithstanding that the lots are on different sides of the same street or on different streets or in different blocks, and where the designation is by number the lots shall be numbered consecutively, but the provisions of this section shall not apply to plans of burial plots in cemeteries. R.S.O. 1927, c. 155, s. 80 (1-6).

(7) The plan shall be drawn upon linen and shall be mounted on stiff pasteboard of good quality, and when it exceeds thirty inches in length by twenty-four inches in width shall be folded so as not to exceed that size, and upon the registration of every such plan there shall be deposited with the registrar a true copy thereof unmounted which may be made by photostatic, photographic or blue print process, or any other process approved by the Inspector. R.S.O. 1927, c. 155, s. 80 (7); 1937, c. 67, s. 9.

(8) The plan, before being registered, shall be signed by the person or the chief officer of the corporation by whom or her on whose behalf the same is deposited, and shall also be certified by an Ontario land surveyor (Form 13).

(9) In the case of a survey hereafter made the plan shall be accompanied by a copy certified by the surveyor by whom the survey was made to be a true copy of the field notes, if any, of the survey.

(10) After the registration of the plan the registrar shall keep an index of the land described and designated by any number or letter on the plan by the name by which it is so designated.

(11) Every instrument affecting the land or any part thereof, executed after the plan is registered, shall conform and refer thereto, otherwise it shall not be registered, except in cases provided for by section 87.

(12) In the case of refusal or neglect by the person making the subdivision, for two months after demand in writing for that purpose, to register the plan, in accordance with the provisions of this Act, when required by any person interested
therein or by the Inspector so to do he shall incur a penalty of $20 for every calendar month which thereafter elapses without the plan being registered, recoverable under The Summary Convictions Act.

(13) The signature on a plan shall be witnessed and verified as in the case of an instrument. R.S.O. 1927, c. 155, s. 80 (8-13).

(14) No plan of lands abutting upon the King’s Highway or upon any road forming part of a county road system shall be registered unless it has been approved by the Minister of Highways. 1935, c. 62, s. 2.

(15) No plan upon which any street, road or highway is laid out shall be registered unless it has been approved by the proper municipal council or councils, or by the Ontario Municipal Board, and no plan of land abutting upon a highway of a less width than sixty-six feet, or upon which there is laid out a highway of a less width than sixty-six feet shall be registered unless it has been approved by the proper municipal council or councils, and by the Ontario Municipal Board. R.S.O. 1927, c. 155, s. 80 (14).

(16) Any public or private street, way, lane or alley or block, tract or lot, being the only access to a lot or lots laid down on a plan of survey and subdivision, shall, for the purposes of this section, be deemed to be a street or highway. 1929, c. 43, s. 9.

(17) The registrar shall not register a plan of a subdivision of land for which the Crown patent has not issued unless the assent of the Minister of Lands and Forests to such registration is endorsed on the plan.

(18) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the same is tendered for registration appears on the registry books to be the owner of the land, nor unless the consent in writing of all persons who appear by the registry books to be mortgagees of the land is endorsed on the plan and signed by such person, or in the case of a corporation, by its chief officer, and such signatures are duly verified by affidavit; provided however that nothing in this section shall be deemed to require the consent to any such plan of the owner of any easement or right in the nature of an easement in respect to the land.

(19) When any such plan has been so registered the registrar shall make a record of it and enter on it the day and year on which the same is registered.
(20) No plan of survey and subdivision to which the provisions of The Planning and Development Act apply shall be registered unless approved as required by that Act.

(21) Subject to the provisions of section 88, this section shall apply as well to land already surveyed and subdivided as to that which may hereafter be surveyed and subdivided.

R.S.O. 1927, c. 155, s. 80 (15-19).

84. The Inspector may direct that a plan index book, in the form prescribed by him, shall be kept by the registrar, and the municipal treasurer shall pay to the registrar on the order of the Inspector such sum as he may direct for the preparation in the first instance of such book and the work incidental thereto. R.S.O. 1927, c. 155, s. 81.

85.—(1) Whenever the Inspector deems that the public convenience so requires he may direct the registrar to subdivide any township, park or other lots in a city, town or village into such blocks for abstract purposes, as, having regard to conveyances registered upon such lots and otherwise, he considers most convenient, and in such case an abstract index shall be prepared by the registrar for each of such blocks as if the same had been originally a separate lot, and the same shall extend from the Crown patent onwards or from or to such other date as the Inspector may direct, and shall contain those registrations only which affect the subdivision to which the index relates.

(2) Where the original lines of the lots do not form the boundaries of such blocks, public streets or such other limits as the Inspector directs shall be taken as the boundaries thereof.

(3) Where a plan of a subdivision of a lot or part of a lot has been or is hereafter registered the registrar, when directed so to do by the Inspector, shall prepare an abstract of all instruments affecting the part subdivided, and enter the same in the page or pages of the abstract index book immediately preceding the abstract as to the first lot on such plan.

(4) Whenever and as often as a further subdivision of any of the lots on a plan is made the registrar, when directed so to do by the Inspector, shall prepare and enter in like manner an abstract of all instruments affecting the part so subdivided from the registration of the previous plan.

(5) The registrar shall be allowed for preparing such abstracts, so far as the same relate to instruments registered prior to the Inspector’s directing the subdivision, such amount as the Inspector may determine to be reasonable for the

Remuneration of registrar.
services, and the same shall be paid by the owner who registers
the plan, or by the county or city, as the Inspector may direct.

(6) For abstracts prepared for the purposes of plans here­
after registered the registrar shall be entitled to receive from
the persons registering such plans the prescribed fees for
preparing an abstract in addition to the fees to be paid for
registering such plans. R.S.O. 1927, c. 155, s. 82.

86. No instrument referring to an unregistered plan shall
be registered unless an instrument referring to such plan has
been already registered in respect of the same land, and if
the registrar objects to register an instrument on the ground
that it refers to an unregistered plan he may refuse to regis­
ter such instrument unless the person desiring its registration
refers the registrar to the number of an instrument previously
registered in respect of the same land referring to the unregis­
tered plan. R.S.O. 1927, c. 155, s. 83.

87.—(1) Where an instrument which does not conform
and refer to the proper plan has been duly executed and any
party thereto has died, or where it would, in the opinion of
the registrar, be impossible or inconvenient to obtain a new
instrument containing the proper description, such instru­
m ents may be registered if accompanied by an affidavit (Form
14) annexed thereto or endorsed thereon.

(2) The registrar shall thereupon enter such instrument
in the abstract index in which the subdivision is entered
under the lots designated in the affidavit, and no entry shall
be made in the abstract index of the land before its sub­
division. R.S.O. 1927, c. 155, s. 84.

88.—(1) A plan, although registered, shall not be binding
on the person registering the same, or upon any other persons
unless a sale has been made according to such plan, and in
all cases amendments or alterations thereof may be authorized
or ordered to be made by a judge of the Supreme Court or
by a judge of the county or district court of the county or
district in which the land lies, on application for the purpose
and upon hearing all persons concerned, upon such terms and
conditions as to costs and otherwise as may be deemed just.

(2) Any such application may be made either by the
person filing the plan or by the owner for the time being
of any of the land covered thereby.

(3) An appeal shall lie from any such order to the Court of
Appeal.
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(4) No part of a road, street, lane, or alley upon which any lot of land sold abuts, or which connects any such lot with or affords access therefrom to the nearest public high-
way, shall be altered or closed up without the consent of the
owner of such lot; but nothing herein shall interfere with the
powers of municipal corporations with reference to highways.
R.S.O. 1927, c. 155, s. 85.

89. The council of any municipality may apply to a judge of the county or district court of the county or district
in which are situate the whole, or any part not being less than
one-half, of the lands included in any plan, and such judge
shall have power to make orders or directions for the following
purposes,—

(a) for the hearing of the application upon such notice
as the judge shall direct;

(b) to cancel or suspend in whole or in part any regis-
tered plan;

(c) to close, divert or alter any or all highways, roads,
streets or lanes shown on any such plan, either
temporarily or permanently, or pending the sus-
pension of the plan;

(d) to provide that the lands or any part or parts thereof
shown on any such plan shall thereafter, or pend-
ing such suspension or until further order of such
judge, be known and described by the original
township or other registration numbers or designa-
tions used prior to the registration of any such
plan, or such other numbers or descriptions as to
such judge may seem convenient;

(e) to impose such terms and conditions as to the judge
may seem proper;

(f) to fix and determine the fees and charges to be im-
posed and collected by registrars for all and any
services under this section, and by whom the same
shall be payable;

(g) to reinstate in whole or in part any plan suspended
as aforesaid;

(h) to make any such further or other order, direction
or disposition as such judge may, in his discretion,
deem proper.  R.S.O. 1927, c. 155, s. 86.
When plan must be registered in case of lands subdivided before 4th March, 1868.

90. In sales of land under surveys or subdivisions made before the 4th day of March, 1868, where such surveys or subdivisions so differ from the manner in which such land was surveyed or granted by the Crown that the parcel so sold cannot be easily identified unless the plan is registered, the plan shall be registered if still in existence and procurable for registration, and if it is not a new plan shall be made by and at the joint expense of the persons who have made such surveys or subdivisions, and of all others interested therein, by an Ontario land surveyor or as nearly as may be according to the proper original survey or subdivision, and the same, when so made, shall be registered as if under section 83. R.S.O. 1927, c. 155, s. 87.

Registration of plans of cities, towns, etc.

91.—(1) Where a city, town, village or territory forming part of a township comprises different parcels of land and the same were not jointly surveyed and one entire plan of such survey made and registered, the municipal council of such city, town, village, or township, upon the written request of the Inspector, shall immediately cause a plan of such city, town, village or part of a township to be made in accordance with this Act and to be registered in the registry office of the registry division within which the municipality lies.

Authentication of plan.

(2) The plan shall have endorsed thereon the certificates of the clerk and head of the municipality and the surveyor that the same is prepared according to the directions of the municipality and in accordance with this Act, and the corporate seal of the municipality shall be attached to the plan.

Registration of plan of territory situate in more than one township.

(3) Where such territory is situate in two or more townships the Inspector may, by a written order, cause the plan to be made and registered, and where the territory is situate in two or more registry divisions a duplicate of such plan shall be registered in each of such registry divisions.

Certificate of surveyor to be endorsed on plan.

(4) The plan shall have endorsed thereon the certificate of the surveyor that the same has been prepared according to the order of the Inspector, and such order or a copy thereof shall be attached to or endorsed on such plan, and any plan of territory situate in two or more townships heretofore prepared upon the request of the Inspector may, in like manner, be registered, and shall when so registered be as valid as if the same had been prepared upon the order of the Inspector.

Expenses where territory within one township.

(5) The expense of the preparation and registration of a plan of territory, the inhabitants of which are not incorporated, situate wholly within one township may be paid wholly or in part by the municipality out of its general funds, or the same may wholly or in part, at the option of the muni-
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The expenses of the preparation and registration of a plan of territory, the inhabitants of which are not incorporated, situate in two or more townships shall be paid out of the general funds of the municipalities in which the territory is situate, in such proportions as the Inspector may order, and any municipality may levy its proportion of such expense, or so much thereof as the council sees fit, by assessment on all rateable property comprised in the part of the territory situate in such municipality as described by metes and bounds in a by-law to be passed for the purpose of levying such rate.

The expenses of registering plan of such territory in two or more townships.

(6) The expense of the preparation and registration of a plan of territory, the inhabitants of which are not incorporated, situate in two or more townships shall be paid out of the general funds of the municipalities in which the territory is situate, in such proportions as the Inspector may order, and any municipality may levy its proportion of such expense, or so much thereof as the council sees fit, by assessment on all rateable property comprised in the part of the territory situate in such municipality as described by metes and bounds in a by-law to be passed for the purpose of levying such rate.

(7) Upon the production to the registrar of a certificate signed by the head of the municipal council concerned certifying that a surveyor has been employed by the council to prepare a plan for registration under this section, the surveyor named in such certificate shall be entitled, within six months from the date thereof, to make personal searches of the books, plans and instruments in the registry office for the purpose of enabling him to prepare such plan on payment of the ordinary fees payable for searches and productions up to an aggregate amount not exceeding $25, and for all further searches and productions in excess of $25 on payment of one-half of the ordinary fees.

(8) Except as in this section is otherwise provided the expense of the preparation and registration of the plan shall be paid out of the general funds of the municipality.

(9) In case of the neglect or refusal of a municipality to comply with all the requirements of this section within six months next after being required so to do the municipality shall incur a like penalty to that provided by subsection 12 of section 83, recoverable under The Summary Convictions Act.

(10) Where land in a township has been or shall hereafter be sold under surveys or subdivisions made in a manner which so differs from that in which such land was surveyed or granted by the Crown that the parcel sold cannot be easily identified, and the plan has not been registered under this or any other Act, the council of the township may, upon the written request of the Inspector or of any person interested, cause a plan of such land to be made and registered in the same manner and with the same effect as in the case of territory inhabitants of which are not incorporated, and the expenses of the preparation and registration of the plan shall
be paid by a special rate to be levied by assessment on the
land comprised in such plan as described in a by-law to be
passed for the purpose of levying such rate.

(11) A plan prepared under the provisions of subsections
1 and 10 shall show such subdivisions of original lots as are
shown by the registered plans, and such as are not so shown
but appear from the instruments relating to such land, with
each of the lots as shown on such new plan numbered or
lettered in such a manner that the same may be readily iden-
tified, and the plan shall be prepared without adding to the
costs thereof the expense of any actual survey on the ground
except such as may be necessary to connect the subdivisions
or parcels of land and to show any natural or artificial bound-
daries of the same which cannot be shown on the new plan from
the information contained in the registered plans and instru-
ments.

(12) Nothing in this section shall relieve any person from
any liability, duty, obligation or penalty provided or imposed
by or under any of the provisions of this Act.

(13) Where any land has been sold or conveyed in lots or
parcels by metes and bounds, or in any other manner without
a plan having been registered under this or any other Act
showing such subdivisions, or where parts of lots shown by a
registered plan have been sold or conveyed, and the lots or
parcels so sold or conveyed are not distinguished by numbers
or letters, a judge of the county or district court of the county
or district in which the land is situate, on the application
of the Inspector, after such notice as the judge may deem
reasonable, may make an order directing the registrar to have
the same, or any part thereof, laid out into lots or parcels
in such manner and numbered as the judge shall think fit,
and a plan or plans thereof to be made in accordance with
the records in the registry office, or from actual survey, as
may be found necessary, and registered in accordance with
the provisions of this Act, and the order of the judge shall be
endorsed on or attached to the plan and signed by him.

(14) The costs and expenses of and incidental to the appli-
cation and the plan and the registration thereof shall be borne
by the person or municipality to be named by the judge in the
order and where the costs and expenses are directed to be
borne by the municipality, the judge may by his order direct
repayment of the same to the municipality by the levy of a
special rate by assessment on all the lots included in the plan.

(15) On filing the order with the clerk the same may be
enforced as if it were a judgment of the court.
Sec. 93. REGISTRATION OF DEEDS. Chap. 170. 1919

(16) The registration of the plan shall be binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or concerning the same, but shall not affect the rights or interests of any owner or other person entitled at or before the date of registration.

(17) Where the land proposed to be subdivided by plan under subsection 13 comprises 5,000 acres or upwards, which was granted by the Crown without being subdivided into lots, the Inspector may cause the Attorney-General to be notified of the application, and the Attorney-General, on behalf of the Crown, may either submit that the Crown shall pay or contribute such part of the costs and expenses, mentioned in subsection 14, as the judge may determine to be reasonable, or the Attorney-General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 14. R.S.O. 1927, c. 155, s. 88.

92.—(1) Every person who is required to register a plan shall, with the plan, deposit with the registrar a duplicate thereof, and a copy of the surveyor’s field notes, if any, certified to be such by the surveyor who prepared the plan, and the registrar shall endorse on the duplicate a certificate showing the number of such plan and the date when the plan was registered, and the duplicate shall, without fee, be delivered by the registrar to the clerk, treasurer or assessment commissioner of the local municipality in which the land is situate.

(2) The registrar shall not register any such plan unless a duplicate thereof and a certified copy of the surveyor’s field notes, if any, are deposited in accordance with the provisions of this section. R.S.O. 1927, c. 155, s. 89.

Re-registration Where Registry Books Lost, etc.

93. Where the registry books and papers were, before the 4th day of March, 1868, lost or destroyed, and a memorial cannot be produced, upon proof being made to that effect before a judge of any court of record to his satisfaction as evidenced by a certificate under his hand, the registrar may re-register an instrument upon production thereof, and no further proof shall be required than the original certificate of registration endorsed on such instrument and the instrument shall have priority according to the date of the original certificate and shall be preserved by the registrar with the records of his office. R.S.O. 1927, c. 155, s. 90.
94. Where memorials have not been copied into the registry books in their proper order the Inspector may cause the same to be entered in proper books to be procured for the purpose, in the manner provided by section 21, and the registrar shall be paid therefor in the same manner as under clause 1 of section 95. R.S.O. 1927, c. 155, s. 91.

(Note.—As to list of Crown grants being furnished to registrar, see The Public Lands Act, Rev. Stat. c. 33, s. 26, and as to proceedings where land patented is in territory under The Land Titles Act, see that Act, Rev. Stat. c. 174, s. 160.)

Fees of Registrars.

95. A registrar shall be entitled to the following fees, except where otherwise provided,—

(a) For the necessary entries and certificates in registering every instrument, other than those hereinafter specially provided for, including among such certificates the certificate on the duplicate, if any, 40 cents;

(b) For registering every such instrument, $2.10;

If the instrument exceeds 700 words, at the rate of 15 cents for each additional 100 words or fractional part thereof up to 1,400 words, and at the rate of 10 cents for each additional 100 words or fractional part thereof over 1,400 words;

If the instrument embraces lots or parcels of land, situate in different municipalities in the same registry division, the registration and copying of such instrument, together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows,

Where the aggregate copying does not exceed 700 words, $2; where it exceeds 700 words, 15 cents for every 100 words or fractional part thereof up to 1,400 words, in addition to the sum of $2;

Where it exceeds 1,400 words, the sum of 10 cents for every 100 words or fractional part thereof in addition to the above charges; the fees shall include all certificates and necessary entries, but if the instrument embraces more than 4 different lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for
Sec. 95 (c)  

REGISTRATION OF DEEDS.  

Chap. 170.  

1921

entering each lot or parcel in excess of 4, but not to exceed $5 for such entries up to 100 entries, and where the instrument embraces more than 100 lots or parcels in the same municipality the registrar shall be allowed an additional fee of 2 cents for entering each lot or parcel in excess of 100;

(c) For searching the registry books and indexes relating to the title of any lot or part of a lot as originally surveyed or patented by the Crown, or as afterwards subdivided into smaller lots, shown by any registered plan thereof, when not exceeding 4 references, 25 cents and 5 cents for every additional reference up to 50 references and 5 cents for every additional 2 references over 50;

In no case shall a general search into the title to any particular lot, piece or parcel of land exceed the sum of $3;

In this clause "reference" shall mean a search of a copy of an instrument in the register, and if the abstract indexes only are examined, the total fee for searching any such lot or part of a lot, including 4 references, shall be 25 cents;

"Lot" shall mean one parcel of land as originally patented by the Crown and where such parcel has been subdivided shall include any one of the lots in any such subdivision or re-subdivision, a plan of which has been registered;

No person shall make copies of or extracts from any instrument, document, book, paper or record in the registry office, or of any matter contained therein, to an extent in the aggregate exceeding 300 words for any one lot or part of a lot, except on payment, in addition to the fees for search, of 5 cents for each 100 words or fraction thereof in excess of 300 words;

Where subsequent to the registration of a mortgage the land in such mortgage has been subdivided by plan and searches are made for the purpose of ascertaining subsequent grantees or incumbrances in sale, foreclosure or other proceedings under such mortgage, the person searching, on producing a statutory declaration that the searches are being made for that purpose, shall be entitled to make such searches on all the lots in the subdivision on payment of a fee of 10 cents for each lot, but so that the whole fee for searches shall not exceed $2;
(d) For searching, if specially required, the alphabetical index of names referred to in section 30 as to each name in the books of any one township, or other municipality in the registry division, 25 cents; but if a general search as to any such name is made throughout the registry division, the aggregate of fees for such search shall not exceed $1;

(e) For searching, if specially required, the general registry book for the whole registry division, referred to in section 21, as to each name, the sum of 25 cents;

(f) For an abstract of title to any specific parcel certified by the registrar containing such particulars as to any number of the registered instruments affecting such parcel as the applicant may require, 25 cents;

When such abstract exceeds 100 words, 15 cents for every additional 100 words;

For copies of instruments when required, 10 cents for each 100 words;

Where there are two or more lots for which abstracts are required and the entries on such lots are identical the registrar shall not be entitled to make an abstract for each lot separately, but the abstracts of title of such lots shall be included in one abstract, and the fees therefor shall be the same as if the abstract applied to one lot only, except that the registrar shall be entitled in addition thereto to a fee of 25 cents for a search on each lot after the first lot, and for the first lot he shall be entitled to the same fees as are payable in respect of one lot;

Where there are two or more lots for which abstracts are required and the entries on such lots are partly identical, the registrar shall make a full abstract for one of the lots and enter in the same all the lots to which each instrument refers, and in the abstract of the other lots he shall only include entries affecting those lots separately;

(g) For each certificate furnished by the registrar, except a certificate under clauses a or b, 50 cents;

(h) For registration of any plan of city, town or village lots, including all necessary entries connected therewith, $5; but if the plan embraces more than
Sec. 95 (p).  REGISTRATION OF DEEDS.  Chap. 170.  1923

20 lots, the registrar shall be allowed a fee of 5 cents for each lot in excess of 20 up to 100 lots, and a fee of two cents for each lot in excess of 100;

(i) For registering each duplicate original certified copy of a money by-law, $2;

(j) For making search for the same or inspection and examination of entries connected therewith, 50 cents;

(k) For searches as to the names of registered owners and as to the mortgagees under subsection 18 of section 83, in connection with the registration of a plan, the sum of $1, but if the search embraces more than 20 lots a fee of 5 cents for each lot in excess of 20 up to 100 lots, and a fee of 2 cents for each lot in excess of 100;

(l) For furnishing the copies required under sections 24 and 26, 10 cents for each 100 words or fraction thereof;

(m) For repairing any book, or copying, mounting, or binding plans, or for new plans and surveys, or for new abstract indexes, such sums as the Inspector may order in writing, specifying the nature of the service;

(n) For drawing each affidavit and swearing the deponent thereto, 25 cents, and the same fee for administering the oath when that only is required;

(o) For exhibiting in the office each original registered instrument, including search for the same, 10 cents, and for producing each original registered instrument, including search for the same, in pursuance of a judge's order or subpoena, the sum of 10 cents in addition to the registrar's ordinary witness fees;

(p) For registering a certificate of discharge of mortgage, including a certificate under section 70, $1.50, and every other certificate excepting certificates provided for in paragraph q, including all entries and certificates thereof, $1; if the certificate affects more than 4 lots or parcels, a fee of 5 cents for each lot or parcel in excess of 4; if the certificate affects 2 or more lots or parcels in the same registry division, or if the certificate or aggregate copying thereof exceeds 300 words, 10 cents for each additional 100 words or fractional part thereof, not to
On payment of taxes.

(q) For registering certificate of payment of taxes, 25 cents;

Amalgamation of loan companies.

(r) For registering certificate of amalgamation of loan corporations, together with a certified copy of any document mentioned in the certificate, $4;

Administration.

(s) For registering letters of administration, $1.50;

Notices of sale.

(t) For registering notice of sale of land under power in mortgage, 50 cents;

Affidavit for general register.

(u) For registering a declaration for registering instrument entered in general register, 50 cents.

Alterations in registrars' fees.

96. The Lieutenant-Governor in Council may from time to time amend, repeal or add to any of the clauses or items in section 95, and all the items or clauses so amended, repealed or added to shall have the same force and effect as if enacted by the Legislature.

1929, c. 43, s. 11.

97. Where an Act of Ontario or of the Dominion of Canada requires or permits an instrument, document or plan to be deposited, filed or registered in a registry office or requires a registrar to perform any other duty, but omits to provide fees to the registrar for his services in connection therewith, and no fees therefor are provided by this or any other Act, the registrar, in the absence of any express provision requiring him to perform such services gratuitously, shall be entitled to such reasonable fees therefor as the Inspector shall fix to be paid by the person requiring the service to be performed.

R.S.O. 1927, c. 155, s. 93.

98. In abstracts and certificates where figures are used instead of words to denote dates, numbers and quantities the same shall be charged for as if each number, though composed of several figures, were but one word.

R.S.O. 1927, c. 155, s. 94.

99. Subject to any general rules made under the authority of The Land Titles Act, a master or local master of titles may, by himself or by his clerks, without payment of fees, inspect all books and papers in a registry office for his own information as such master, but this provision shall not apply to an application in which an abstract of title obtained for the purpose of such application has not been filed.

R.S.O. 1927, c. 155, s. 95.
100.—(1) Where a dispute arises in regard to any question of fees under this Act the registrar shall forthwith submit the same to the Inspector, and shall thereupon notify the person interested or his agent of such submission, and the decision of the Inspector upon the question submitted shall be final, unless appealed from and varied upon appeal as hereinafter mentioned.

(2) All decisions given by the Inspector shall be in writing, and the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a local master. R.S.O. 1927, c. 155, s. 96.

101.—(1) Every registrar shall keep posted up in some conspicuous place in his office a printed schedule of the fees and charges authorized under this Act.

(2) Every registrar shall, upon request of the person for whom the service is performed, furnish a statement in detail of the fees charged by him in respect of any matter for which fees are payable under the provisions of this Act. R.S.O. 1927, c. 155, s. 97.

102. If the treasurer of a county or of a city in which a separate registry office is established, on the request of the registrar refuses or neglects to pay the fees and allowances for any services required by this Act, and performed by him which such treasurer ought to pay, the registrar may sue for and recover the same from the corporation of the county or city in any court of competent jurisdiction, and the Inspector’s certificate of the amount and of the services rendered shall be prima facie evidence of the right to recover. R.S.O. 1927, c. 155, s. 98.

103.—(1) Every registrar shall keep a separate book in which he shall enter from day to day all fees and emoluments received by him, showing separately the sums received for registering each instrument, and for searches and for extracts or copies.

(2) Every registrar shall annually, on or before the 15th day of January, make to the Lieutenant-Governor a return up to and including the 31st day of December of the next preceding year which shall show,—

(a) the number of instruments registered and the fees therefor;

(b) the number uncopied and uncomparred;

(c) the number of patents registered and fees therefor;
(d) the number of deeds registered and fees therefor;
(e) the number of mortgages registered and fees therefor;
(f) the number of discharges of mortgages registered and fees therefor;
(g) the number of wills registered and fees therefor;
(h) the number of leases registered and fees therefor;
(i) the number of abstracts and fees therefor;
(j) the number of searches and fees therefor;
(k) the number of mechanics' liens and fees therefor;
(l) the number of all other instruments registered or deposited and fees therefor;
(m) the amount received for work done for which the county, city, or other municipality is liable;
(n) the amount received for other services not enumerated above;
(o) the gross amount of fees earned for the year;
(p) the gross amount earned for the previous year;
(q) the amount paid to the deputy registrar for services and the amount of other charges in connection with the office paid by the registrar;
(r) the amount of surplus paid to the county or city for the year and when paid;
(s) the amount of such surplus for the previous year;
(t) the net amount received by registrar.

(3) The return shall also contain such other information as may be prescribed by the Lieutenant-Governor in Council.

(4) The return shall be transmitted to the Inspector.

R.S.O. 1927, c. 155, s. 99.
short but definite description of the land conveyed or mortgaged, but shall not include leases for less than twenty-one years, and the registrar shall be entitled therefor to a fee of 5 cents for every instrument included in the list. R.S.O. 1927, c. 155, s. 100.

105.—(1) Every registrar shall be entitled to retain to his own use in each year his net income up to $3,000.

(2) Subject to the provisions of section 109 of this Act and of section 152 of The Land Titles Act, every registrar shall, where the net income of each year over $3,000, pay to the treasurer of the county, or city, for which or for part of which he is registrar, the following percentages:

(a) On the excess over $3,000 up to $6,000, fifty per centum;

(b) On the excess over $6,000, ninety per centum. 1929, c. 43, s. 12.

(3) Notwithstanding the provisions of this section, the Lieutenant-Governor in Council may fix the remuneration to be paid to any registrar. 1936, c. 56, s. 14 (2).

106. Where it appears by return to the Lieutenant-Governor or to any department of the Government that in any year a registrar of deeds or an officer holding the office of registrar of deeds and local master of titles has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which is less than $1,800, there may be paid on the report of the Inspector to such registrar or officer, out of the Consolidated Revenue Fund an amount sufficient to make up the income for the year to $1,800, if the Lieutenant-Governor in Council so directs. 1929, c. 43, s. 13.

107. For the purposes of this Act “net income” shall mean the excess of all fees and emoluments earned during the calendar year after deducting the disbursements incident to the business of the office. R.S.O. 1927, c. 155, s. 102.

108. The deduction from the gross income for the expenses connected with the work of, or in conducting the business of the offices of the registrars shall not be increased beyond the amount paid therefor in the year 1917, without the consent in writing of the Inspector. R.S.O. 1927, c. 155, s. 103.

109.—(1) On the 15th day of January in each year every registrar shall transmit to the treasurer of the county or city,
Chap. 170. REGISTRATION OF DEEDS. Sec. 109 (1).

Return.

for which, or for part of which, he is registrar a duplicate
of the return required by section 103, and shall also pay to
such treasurer for the use of the municipality the percentages
required by this Act to be paid by him.

How computed in certain cases.

(2) Where a registry division includes a county or part of
a county and a city or town separated from the county for
municipal purposes, the percentages shall be paid to the
treasurer of the county and to the treasurer of the city or
town for the use of the municipality in the proportions in
which the gross fees and emoluments are derived from ex-
tracts, searches, registrations, and other charges in respect
of land situate in the county, and in the city or town respec-
tively. R.S.O. 1927, c. 155, s. 104.

Registrars to send statement of amounts paid to head of municipality.

110. Every registrar shall, on or before the 7th day of
January in each year, transmit to the head of any munici-
pality to which he has made payments in accordance with
the provisions of this Act during the next preceding year a
statement signed by him showing the amounts so paid and the
dates of payment, and the head of the municipality receiving
such statement shall cause it to be laid before the auditors
when auditing the accounts of that year, and shall also read
it at the first meeting of the council held after its receipt.
R.S.O. 1927, c. 155, s. 105.

Return as to fees where registrar dies or vacates office.

111.—(1) In the case of the death, resignation or removal
from office of a registrar, a like return as that mentioned
in section 103 shall be made by such registrar or his legal
representative, for the portion of the year during which he
held office, and in all cases where, during the year the office
has been in charge of more than one person, a like return shall
be made by each such person for the portion of the year he
had charge of the office.

Allowances and percentages, how computed.

(2) The allowances and percentages in section 105 are
upon a yearly basis and shall be made and computed upon
the net income of the office for the whole of the calendar year,
and this whether or not the office was held by one person or
more than one person, during the said year.

When office held by more than one person during year.

(3) Where more than one person has held the office in
any calendar year, each of such persons shall pay an aliquot
part of the percentage payable for the year, based upon the
portion of the year during which he was in office, and the
amount of fees earned during such period.

Application of s. 109, subs. 2.

(4) Subsection 2 of section 109 shall apply to the proportion
of fees in this section mentioned. R.S.O. 1927, c. 155, s. 106.
112. In ascertaining the percentages payable under this Act there shall not be included in the fees and emoluments received any sum receivable from a municipality for the preparation of abstract indexes, or for work done under section 24 or 26, or subsection 5 of section 85, or section 104, nor shall anything in this Act apply to the fees or emoluments received on account of services as returning officer under The Election Act or The Dominion Elections Act, 1934. R.S.O. 1927, c. 155, s. 107.

113. The council of every county, city or separated town may by by-law authorize the warden, mayor or treasurer to inspect the books of office kept in any registry division in the county or city, for the purpose of testing the accuracy of the returns or computations of fees received by the registrar to a share or percentage of which the county, city or town is or may become entitled, and the registrar shall at all convenient times allow such books to be inspected for that purpose free of charge. R.S.O. 1927, c. 155, s. 108.

114.—(1) Section 105 shall apply to the registrars in the provisional judicial districts, but the percentages therein provided for shall, in their case, be payable to the Treasurer of Ontario, and when such registrar is also local master of titles, the income upon which the percentages are to be computed shall be that received from the combined offices.

(2) Subsection 1 shall not apply to any registrar who is paid by salary. R.S.O. 1927, c. 155, s. 109.

115. The amount to be allowed for the disbursements of a registrar shall be subject to the revision and determination of the Inspector. R.S.O. 1927, c. 155, s. 110.

116.—(1) The Lieutenant-Governor in Council may make rules for the management of registry offices, and may, by such rules, confer on the Inspector such powers as may be deemed necessary for carrying out the provisions of this Act, and all other Acts relating to the duties of registrars.

(2) Every such rule shall be laid before the Assembly within ten days from the making thereof if the Legislature is then in session, and if not in session, then within the first ten days of the session next after the making thereof. R.S.O. 1927, c. 155, s. 111.

INSPECTOR.

117. The Inspector shall,—

(a) make as often as practicable a personal inspection of the building in which each registry office is kept, and of the books, deeds, memorials and other instruments in each office;
Sec. 117 (b). (b) see that the proper books are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in due and proper form and order, that the indexes are properly kept, and that all the memorials and other instruments are duly endorsed, certified and preserved;

Office hours. (c) ascertain that the office is kept open at and for the proper times, and that it is at all times duly attended by the registrar or his deputy;

Seals of officials. (d) settle on some uniform device for the official seals, and see that the registrars supply themselves therewith;

New indexes (e) inspect all new abstract and alphabetical indexes, and settle and certify the sums, if any, chargeable therefor;

Plans. (f) ascertain whether the proper plans required by this Act have been registered, and, where necessary, enforce the provisions of this Act as to the preparation and registration thereof, and instruct the Crown attorney to take proceedings for that purpose;

Reporting vacancies. (g) report upon any vacancies by death or otherwise in the office of registrar or deputy registrar;

Instruction of registrar and his duties. (h) inform the registrar how and in what manner he shall do any particular act or amend or correct whatever the Inspector may find amiss, and if he finds the work improperly performed, order a new book or books to be prepared and completed by the registrar at his own expense;

Sufficiency or insufficiency of sureties. (i) ascertain the sufficiency of the security furnished by the registrar;

Reporting to Lieutenant-Governor. (j) report upon all such matters to the Lieutenant-Governor for his information and decision; and

Other duties. (k) perform such other duties as the Lieutenant-Governor in Council may prescribe. R.S.O. 1927, c. 155, s. 112; 1937, c. 67, s. 10.

118. Where the Inspector in the performance of his duties under this Act has occasion to make an inquiry or to determine any matter he may require any person to give evidence on oath, and for that purpose may summon such person to attend as a witness, may enforce his attendance, may compel him to produce books, documents and things, and to give
evidence in like manner as the Supreme Court may in civil cases. R.S.O. 1927, c. 155, s. 113.

119. Every registrar shall transmit to the Inspector such particulars with reference to the business of his office as the Inspector may require. R.S.O. 1927, c. 155, s. 114.

120. Where it appears to the Inspector that the work of a registry office is unduly in arrear he may employ such assistance as he deems necessary to perform the work in arrear, and the cost thereof shall be payable by the registrar to the persons entitled, on the certificate of the Inspector. R.S.O. 1927, c. 155, s. 115.

PENALTY FOR ALTERING BOOKS OR DOCUMENTS.

121. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any registry office, or makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, and any person who removes or attempts to remove any instrument registered or deposited in a registry office from such office without lawful authority, shall incur a penalty of not less than $5 and not more than $100, recoverable under The Summary Convictions Act. R.S.O. 1927, c. 155, s. 116.

SPECIAL PROVISION RELATING TO TORONTO.

122. The corporation of the City of Toronto shall provide such accommodation as may be required in accordance with the provisions of this Act or any regulations made thereunder for the registry office of the Registry Division of Toronto. R.S.O. 1927, c. 155, s. 117.

123.—(1) The registrar, deputy registrars, clerks, officers and employees employed in the registry office for the Registry Division of Toronto shall be paid out of the receipts of the office, such salaries as may be approved by the Lieutenant-Governor in Council, and subject to the regulations the fees prescribed by this Act shall be collected and accounted for by such persons and in such manner as the Inspector may direct. R.S.O. 1927, c. 155, s. 118.

(2) If at any time the receipts of the office are not sufficient to pay the salaries and retiring allowances of the registrar and the members of his staff the same shall be a charge upon and be payable out of the receipts of the corporation under The Mortgage Tax Act. 1932, c. 17, s. 4.
Regulations. 124. The Lieutenant-Governor in Council may make regulations,—

(a) respecting the registers, plans, instruments and other books, documents and records to be kept in the registry office for the Registry Division of Toronto;

(b) prescribing the furnishing, equipment and accommodation to be provided in the said registry office;

(c) for the organization of the office and the appointment of deputies, officers, clerks and employees and prescribing their respective duties;

(d) prescribing the method in which fees and other receipts of the office shall be collected, kept and accounted for;

(e) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 155, s. 120.

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FORM 1.

(Section 11).

Registrar's Oath of Office.

County (or District) of I (name and describe the deponent), having been appointed To Wit: to the office of Registrar, in and for the (name of Registry Division, etc.), do swear that I will well, truly and faithfully perform and execute all the duties required of me, under the laws of Ontario, pertaining to the said office, so long as I continue therein, and that I have not given directly or indirectly, nor authorized any person to give, any money gratuity or reward whatsoever for procuring the said office for me.

Sworn before me, etc.

A Commissioner, etc.

R.S.O. 1927, c. 155, Form 1.

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FORM 2.

(Section 23).

Certificate Respecting Registry Books.

This register contains pages, exclusive of index, and is to be used for the City (or Town, Village or Township) of in the County (or District) of for the recording of deeds, duplicates, and other instruments under the provisions of The Registry Act, and is provided in pursuance of the said Act.

Dated this day of , 19 .

R.S.O. 1927, c. 155, Form 2.
FORM 3.

(Section 29 (1)).

Abstract Index.

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NOTE.—The names of all the grantors and grantees should appear in the abstract index.

R.S.O. 1927, c. 155, Form 3.

FORM 4.

(Section 30).

Alphabetical Index.

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R.S.O. 1927, c. 155, Form 4.
FORM 5.

(Section 33 (1)).

AFFIDAVIT OF EXECUTION.

County (or District) of } I, (name, residence and occupation), make
To Wit: } oath and say:

1. That I was personally present and did see the annexed (or within) instrument (and a duplicate, if any, according to the fact) duly signed, sealed and executed by
   part thereto.

2. That the said instrument (and duplicate, if any, according to the fact) was (or were) executed by the said part at the
   of

3. That I know the said part

4. That I am a subscribing witness to the said instrument (and duplicate, if any, according to the fact.)

Sworn, etc.

R.S.O. 1927, c. 155, Form 5.

FORM 6.

AFFIDAVIT OF EXECUTION WHERE THE INSTRUMENT IS A SECURITY UNDER SECTION 34.

County (or District) of } I, (name, residence and occupation), make
To Wit: } oath and say:

1. That I was personally present and did see the annexed (or within) instrument (and a duplicate, if any according to the fact), duly signed, sealed and executed by
   part thereto.

2. That the said instrument was read over in my presence and explained to the said , and that he appeared perfectly to understand the same, and was informed that it might be registered as an incumbrance on his land.

3. That the said instrument (and duplicate, if any, according to the fact), was (or were) executed by the said part at the
   of

4. That I know the said part

5. That I am a subscribing witness to the said instrument (and duplicate, if any, according to the fact).

Sworn, etc.

R.S.O. 1927, c. 155, Form 6.
FORM 7.

(Cections 39, 48 (1)).

Certificate of the Judge of the County or District Court in Lieu of Affidavit of Execution.

I, County (or District) of Judge of the County (or District) Court of the County (or District) of certify that, from the proof adduced by (name of the person producing the proof), I am satisfied of the due execution of the within instrument (or of the instrument whereof the within is a copy, memorial or duplicate, as the case may be).

As witness my hand at the day of , 19 .

A. B.,
Judge.

R.S.O. 1927, c. 155, Form 7.

FORM 8.

(Cections 49, 52, 62).

Certificate of Registration.

I certify that the within instrument is duly entered and registered in the Registry Office for the Registry Division of Book for the day of .

Number

Registrar, or Deputy Registrar.

R.S.O. 1927, c. 155, Form 8.

FORM 9.

(Section 53).

Minute of Registration.

Entered and registered this day of .

Registrar (or Deputy Registrar).

R.S.O. 1927, c. 155, Form 9.
FORM 10.
(SECTION 63 (1)).

DISCHARGE OF MORTGAGE.

To the Registrar of the Registry Division of

1, , of , do certify that has satisfied all money due on, or to grow due on (or has satisfied the sum of $ mentioned in), a certain mortgage made by of to which mortgage bears date the day of , 19 , and was registered in the Registry Office for the Registry Division of on the day of , 19 , at minutes past o'clock, noon, in Book for as No. (here mention the date and the date of registration of each assignment thereof, and the names of the parties, or mention that such mortgage has not been assigned, according to the fact), and that I am the person entitled by law to receive the money, and that such mortgage (or such sum of money as aforesaid, or such part of the land as is herein particularly described, that is to say: ) is therefore discharged.

Witness my hand this day of , 19 .

A. B.

R.S.O. 1927, c. 155, Form 10.

FORM 11.
(SECTION 69 (2)).

CERTIFICATE OF DISCHARGE OF MORTGAGE BY SHERIFF, ETC.

To the Registrar of the Registry Division of

1, A. B., of , Sheriff of the County (or District) of [or Bailiff of the (number) Division Court of the County (or District of ) do certify that by virtue of an execution wherein C. D. is plaintiff and E. F. defendant, issued out of the Supreme Court (or as the case may be) and to me directed, I seized a certain mortgage made by one J. H. of (as described in the mortgage) bearing date the day of , 19 , and registered at of the clock in the Book for as No. to E. F., of (as described in the mortgage), the defendant in the said execution named, and such mortgage has not been assigned (or has been assigned to the defendant: here set out date and date of registration of assignment) and I do further certify that I have received from the said mortgagor (or from the executors, administrators, or assigns of the said mortgagor, as the case may be), the full amount of said mortgage (or $ part of the mortgage money), and that such mortgage is therefore discharged (or that such mortgage is as to $ part of the money thereby payable, discharged).

As witness my hand and seal of office (or the seal of the said Court) this day of , 19 .

A. B.

R.S.O. 1927, c. 155, Form 11.
FORM 12.

(Casection 70).

CERTIFICATE OF DISCHARGE OF INSTRUMENT CREATING A CHARGE.

To the Registrar of the Registry Division of

I, (name, residence and occupation), do hereby certify that of the

in the County (or District) of (occupation),

has satisfied all money due or to grow due on (or has satisfied the sum of

of

, which instrument bears date the

day of 19

, and was registered in the Registry Office for

the Registry Division of on the day of

, at minutes past o'clock

, in Book

for

, as No.

(here mention the date and the date of registration of each assignment thereof,

and the names of the parties, or mention that such instrument has not been

assigned, according to the fact), and that I am the person entitled by law
to receive the money, and that such instrument (or such sum of money

as aforesaid, or such part of the land as is herein particularly described,

that is to say: ) is therefore discharged.

Witness my hand this day of 19 .

Witness

C. D.

R.S.O. 1927, c. 155, Form 12.

FORM 13.

(Casection 83 (8)).

SURVEYOR’S CERTIFICATE OF PLAN.

I hereby certify that this plan accurately shows the manner in which

the land included therein has been surveyed and subdivided by me;

and that the said plan is prepared in accordance with the provisions of

The Registry Act.

Dated 19 .

A. B.

Ontario Land Surveyor.

R.S.O. 1927, c. 155, Form 13.
FORM 14.
(Section 87).

AFFIDAVIT WHERE INSTRUMENT DOES NOT CONFORM TO PLAN.

County (or District) of
To Wit: I, (name, residence and occupation), make oath and say:

1. To the best of my knowledge and belief, the land described in the within (or annexed) instrument is designated on Registered Plan No. as lots (describe same so as to conform to plan).

2. That a party to said instrument died on or about the day of , 19 , (or as the case may be).

2. That it is impossible (or inconvenient) to obtain a new instrument or a re-execution of the said instrument containing a description conforming to the said plan for the following reasons (here set out the facts).

3. That I have a personal knowledge of the matters herein deposed to.

Sworn, etc.

R.S.O. 1927, c. 155, Form 14.

FORM 15.

DECLARATION UNDER SECTION 32 (2).

County (or District) of
To Wit: I, (name, residence and occupation), do solemnly declare that

1. I am a party (or as the case may be) to an instrument affecting land without local description, registered in the Registry Division of on the day of , 19 , at minutes past o'clock noon, in Book , as number .

2. The said instrument affects the land within the said Registry Division hereinafter described, that is to say (here give a local description of the lands sufficient for the purposes of registering an instrument in the separate Registry Books under the Act).

And I make this solemn declaration, etc.

Declared, etc.

R.S.O. 1927, c. 155, Form 15.