1914

c 126 Land Titles Act

Ontario

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CHAPTER 126.

An Act to simplify Titles and to facilitate the Transfer of Land.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

1. This Act may be cited as The Land Titles Act. 1 Geo. V. c. 28, s. 1.

2. This Act shall, subject to section 146, apply to the County of York, including the City of Toronto; the County of Elgin, including the City of St. Thomas; the County of Ontario; the City of Ottawa and the County of Carleton and to Provisional Judicial Districts only, and the Land Registries heretofore established for such counties and districts are hereby continued. 1 Geo. V. c. 28, s. 2.

3. In this Act,

(a) "Court" shall mean the Supreme Court.

(b) "General Rules" or "Rules" shall mean the Rules made in pursuance of this Act or of any Act repealed thereby.

(c) "Inspector" shall mean Inspector of Land Titles Offices, and shall include a person acting as Inspector of Land Titles Offices under the authority conferred by this Act.

(d) "Owner" shall mean owner in fee simple;

(e) "Prescribed" shall mean prescribed by this Act or by any general rules made in pursuance of this Act.

(f) "Proper Master of Titles" shall mean the Master of Proper Master of Titles, or Local Master in whose office the land affected or intended to be affected by any proceeding, instrument or document is or may be registered.

(g) "Registered" shall mean registered under this Act.

(h) "Sworn Valuator" shall mean a person appointed, with the approval of the Lieutenant-Governor in Council, to value land under this Act. 1 Geo. V. c. 28, s. 3.

4. Any jurisdiction of the court under this Act may be exercised by a judge of the court whether sitting in court or in chambers. 1 Geo. V. c. 28, s. 4.
PART I.

ENTRY OF LAND ON REGISTER OF TITLE.

5.—(1) The Land Registry for the County of York shall be conducted by an officer to be called the Master of Titles, who shall be a barrister of not less than ten years’ standing at the Bar of Ontario, and shall be appointed by the Lieutenant-Governor in Council by commission under the Great Seal. 1 Geo. V. c. 28, s. 5.

(2) The Lieutenant-Governor in Council may appoint a person, being a barrister or solicitor of not less than five years standing, to be the Deputy of the Master of Titles, and the person so appointed shall act under the supervision of the Master or in the absence of the Master, and when so acting shall have all the powers of the Master.

(3) In case of the death or resignation of the Master the Deputy may act as Master until his authority is revoked. 2 Geo. V. c. 24, s. 1.

6.—(1) Any person entitled for his own benefit at law or in equity to an estate in fee simple in land, whether or not subject to incumbrances, or any person capable of disposing for his own benefit by way of sale of an estate in fee simple in land, whether or not subject to incumbrances, may apply to the proper Master of Titles to be registered under this Act, or to have registered in his stead any nominee as owner of such land, with an Absolute, Qualified or Possessory title, as the case may be.

(2) Any person who has contracted to buy for his own benefit an estate in fee simple in land, whether or not subject to incumbrances, may also apply if the vendor consents to the application.

(3) The Attorney-General for Canada, or the Attorney-General of Ontario, may apply in like manner in respect to the title of the Crown to any land; and the practice and procedure upon the application shall be the same as in ordinary cases. 1 Geo. V. c. 28, s. 6.

Trustees and Mortgagees.

7.—(1) Any person holding land on trust for sale, and any trustee, mortgagee or other person having a power of selling land may authorize the purchaser to make an application to be registered as owner with any title with which an owner is authorized to be registered, and may consent to the performance of the contract being conditional on his being so registered; or any of such persons, except a mortgagee, may himself apply to be registered as such owner with the consent of the persons, if any, whose consent is required to the exercise by the applicant of his trust or power of sale.
(2) A mortgagee having a power of selling land may apply to have the mortgagor or other person owning the equity of redemption registered as owner with any such title.

(3) The amount of all costs, charges, and expenses properly incurred by such person, in or about the application, shall be ascertained and declared by the proper Master of Titles, and shall be deemed to be costs, charges, and expenses properly incurred by such person in the execution of his trust or in pursuance of his power; and he may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he shall not be liable to any account in respect thereof. 1 Geo. V. c. 28, s. 7.

Part Owners.

8.—(1) Any two or more persons entitled concurrently or successively, or partly in one mode and partly in another, to such estates, rights or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as owner of the land, subject as in this Act mentioned with respect to the number of persons to be registered in respect of the same land, apply to the proper Master of Titles to be registered as joint owners in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that an individual owner may be registered.

(2) Where several persons are so registered as owners the entry may, if the parties so desire, define the estates, rights and interests, other than trust estates, rights and interests, to which the owners are respectively entitled, and such entry may be made either upon first registration or subsequently in case the estates, rights or interests so arise.

(3) Persons entitled to several estates, as mentioned in subsection 1, or owners who are tenants in common or joint tenants, shall be entitled to take out one certificate in respect of the whole estate, or each person may, when the extent of his interest is defined, take out a certificate in respect of his own estate; but when a certificate for the whole is outstanding no separate certificate shall be issued till the outstanding certificate is returned and cancelled. 1 Geo. V. c. 28, s. 8.

Absolute Titles.

9. Where an absolute title is required the applicant or his nominee shall not be registered as owner of the fee simple unless and until the title is approved by the proper Master of Titles. 1 Geo. V. c. 28, s. 9.

10. The first registration of a person as owner of land in this Act referred to as first registered owner with an absolute title, shall vest in the person so registered an estate in fee simple in such land, together with all rights, privileges,
and appurtenances belonging or appurtenant thereto, subject as follows:

(a) To the incumbrances, if any, entered on the register;

(b) To such liabilities, rights and interests, if any, as are declared for the purposes of this Act not to be incumbrances, unless the contrary is expressed on the register;

(c) Where such first registered owner is not entitled for his own benefit to the land registered, then as between him and any persons claiming under him, to any unregistered estates, rights, interests or equities to which such persons may be entitled;

but free from all other estates and interests whatsoever, including estates and interests of His Majesty, which are within the legislative jurisdiction of Ontario. 1 Geo. V. c. 28, s. 10.

Possessory Titles.

11. Where a possessory title only is required the applicant or his nominee may be registered as owner of the fee simple on giving such evidence of title and serving such notices, if any, as may be prescribed. 1 Geo. V. c. 28, s. 11.

12. The registration of a person as first registered owner with a possessory title only shall not affect or prejudice the enforcement of any estate, right or interest adverse to or in derogation of the title of such first registered owner, and subsisting or capable of arising at the time of registration of such owner, but shall otherwise have the same effect as registration of a person with an absolute title. 1 Geo. V. c. 28, s. 12.

Qualified Titles.

13.—(1) Where on the examination of the title it appears to the proper Master of Titles that it can be established only for a limited period, or subject to certain reservations, the Master, on the application of the party applying to be registered, may, by an entry made in the register, except from the effect of registration any estate, right or interest arising before a specified date, or arising under a specified instrument, or otherwise particularly described in the register.

(2) A title registered subject to such excepted estate, right or interest shall be called a qualified title.

(3) The registration of a person as first registered owner with a qualified title shall have the same effect as the registration of such person with an absolute title, save that registration with a qualified title shall not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted.
(4) Where the existence of any easement is proved the Master may, if he thinks fit, enter notice thereof on the register.

(5) Where title is shown to any easement appurtenant to the land being registered the same may be stated in the entry and certificate of ownership. 1 Geo. V. c. 28, s. 13.

Certificate of Ownership.

14. On the entry of the name of the first registered owner of freehold land on the register the proper Master of Titles shall, if required by the owner, deliver to him a Certificate in the prescribed form, in this Act called a Certificate of Ownership, which shall state whether the title of the owner therein mentioned is absolute, qualified or possessory. 1 Geo. V. c. 28, s. 14.

15.—(1) A certificate by the proper Master of Titles of Registry Act no. to apply to land under this Act shall be registered in the registry division in which the land is situated, and thereafter The Registry Act shall cease to apply to such land.

(2) The certificate, besides describing the land, shall state the date of the first registration, the number of the parcel and the register in which the land is registered; and the Registrar shall in his Abstract Index enter the number of the parcel and the register as given in the certificate. 1 Geo. V. c. 28, s. 15.

PART II.

LEASEHOLD LAND.

16.—(1) A separate register of leasehold land shall be kept and any of the following persons:

(a) Any person who has contracted to buy for his own benefit leasehold land held under a lease for a term of years of which at least 21 are unexpired, or in respect of which the lessee or his assigns is or are entitled to a renewal term or grant lease, succession of terms or for part of the current term to at least 21 years, or to a renewal for a life or lives, whether or not subject to incumbrances;

(b) Any person entitled for his own benefit, at law or in equity, to leasehold land held under any such lease whether or not subject to incumbrances; and
(c) Any person capable of disposing for his own benefit by way of sale of leasehold land held under any such lease whether or not subject to incumbrances;

may apply to the proper Master of Titles to be registered, or to have registered in his stead any nominee as owner of such leasehold land, with the addition, where the lease under which the land is held is derived immediately out of freehold land and the applicant is able to submit for examination the title of the lessor, of a declaration of the title of the lessor to grant the lease under which the land is held;

Provided that, in the case of leasehold land contracted to be bought, the vendor consents to the application.

(2) Every applicant for registration of leasehold land shall deposit with the Master the lease in respect of which the application is made or, if such lease is proved to the satisfaction of the Master to be lost, a copy of such lease or of a counterpart thereof, verified to the satisfaction of the Master, and such lease or verified copy is in this Act referred to as the registered lease.

(3) Leasehold land held under a lease containing an absolute prohibition against alienation shall not be registered.

(4) Leasehold land held under a lease containing a prohibition against alienation, without the license of some other person, shall not be registered unless and until provision is made in the prescribed manner for preventing alienation without such license by entry in the register of a restriction to that effect or otherwise.

(5) Section 7 shall apply to leasehold as well as to freehold land. 1 Geo. V. c. 28, s. 16.

17. An applicant or his nominee shall not be registered as owner of leasehold land unless and until the title to such land is approved by the proper Master of Titles; and if he applies to be registered as owner of leasehold land, with a declaration of the title of the lessor to grant the lease under which the land is held, shall not be registered with such declaration unless and until the lessor, after an examination of his title by the Master, is declared to have had an absolute or qualified title to grant the lease under which the land is held. 1 Geo. V. c. 28, s. 17.

18. The registration of a person as first registered owner of leasehold land, with a declaration that the lessor had an absolute title to grant the lease under which the land is held, shall vest in such person the land comprised in the registered lease relating to such land for all the leasehold estate therein described with all implied or expressed rights, privileges and appurtenances attached to such estate, but subject
(a) To all implied and express covenants, obligations and liabilities incident to such leasehold estate;

(b) To the incumbrances, if any, entered on the register;

(c) Unless the contrary is expressed on the register to such liabilities, rights and interests as affect the leasehold estate and are by this Act declared not to be incumbrances in the case of registered freehold land; and

(d) Where such first registered owner is not entitled for his own benefit to the land registered, then, as between himself and any person for whom he holds or claiming under him, to any unregistered estates, rights, interests or equities to which such person may be entitled;

But free from all other estates and interests whatsoever, including estates and interests of His Majesty, which are within the legislative jurisdiction of Ontario. 1 Geo. V. c. 28, s. 18.

19. The registration of a person as first registered owner of leasehold land, without a declaration of the title of the lessor, shall not affect or prejudice the enforcement of any estate, right or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but, save as aforesaid, shall have the same effect as the registration of a person as first registered owner of leasehold land with a declaration that the lessor had an absolute title to grant the lease under which the land is held. 1 Geo. V. c. 28, s. 19.

20.—(1) Where on the examination of the title of a lessor by the proper Master of Titles it appears to him that the title of such lessor to grant the lease under which the land is held can be established only for a limited period, or subject to certain reservations, the Master may, by an entry made in the register, except from the effect of registration any estate, right or interest arising before a specified date or arising under a specified instrument, or otherwise particularly described in the register; and a title of a lessor subject to such excepted estate, right or interest shall be deemed a qualified title.

(2) The registration of a person as first registered owner of leasehold land, with a declaration that the lessor had a qualified title to grant the lease under which the land is held, shall have the same effect as the registration of such person with a declaration that the lessor had an absolute title to grant the lease under which the land is held, save that registration with the declaration of a qualified title shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted. 1 Geo. V. c. 28, s. 20.
21. On the entry of the name of the first registered owner of leasehold land on the register the proper Master of Titles shall, if required by the owner, deliver to him a copy of the registered lease, in this Act called an office copy, authenticated in the prescribed manner, and there shall be endorsed thereon a statement whether any declaration, absolute or qualified, as to the title of the lessor has been made, and any other particulars relating to such lease entered in the register. 1 Geo. V. c. 28, s. 21.

PART III.

REGISTRATION, HOW EFFECTED.

22. The examination of a title shall be conducted in the prescribed manner, subject to the following provisions:

(a) Due notice shall be given where the giving of such notice is prescribed and sufficient opportunity shall be afforded to any person desirous of objecting to come in and state his objections to the proper Master of Titles;

(b) The Master shall have jurisdiction to hear and determine any such objections, subject to an appeal to the Court in the prescribed manner and on the prescribed conditions;

(c) If the Master, upon the examination of any title, is of opinion that it is open to objection, but is nevertheless a title the holding under which will not be disturbed, he may approve of it or may require the applicant to apply to the Court, upon a statement signed by the Master, for its sanction to the registration;

(d) It shall not be necessary to produce any evidence which, by The Vendors and Purchasers Act, is dispensed with as between vendor and purchaser, or to produce or account for the originals of any registered deeds, documents or instruments unless the Master otherwise directs;

(e) The Master may receive and act upon any evidence which is received in court on a question of title, or any evidence which the practice of conveyancers authorizes to be received on an investigation of a title out of court, or any other evidence, whether the same is or is not receivable or sufficient in point of strict law, or according to the practice of conveyancers, if the same satisfies him of the truth of the facts intended to be made out thereby;

(f) The Master may refer to and act upon not only the evidence adduced before him in the proceeding
in which such evidence is adduced but also any evidence adduced before him in any other proceeding wherein the facts to which such evidence relates were or are in question. 1 Geo. V. c. 28, s. 22.

23. The Lieutenant-Governor in Council may name one or more barristers to whom the Master of Titles may refer for the examination of the title, in whole or in part, of any land in respect of which an application is made, and the Master may act upon the opinion of such referee. 1 Geo. V. c. 28, s. 23.

24.—(1) All registered land, unless the contrary is expressed on the register, shall be subject to such of the following liabilities, rights and interests as for the time being may be subsisting in reference thereto, and such liabilities, rights and interests shall not be deemed incumbrances within the meaning of this Act:

(a) Provincial taxes and succession duty and municipal taxes, charges, rates or assessments, and school or water rates;

(b) Any right of way, water-course, and right of water, and other easements;

(c) Any title or lien which, by possession or improvements, the owner or person interested in any adjoining land has acquired to or in respect of the registered land;

(d) Any lease or agreement for a lease, for a period yet to run which does not exceed three years, where there is actual occupation under it;

(e) Any right of the wife or husband of the person registered as owner to dower or curtesy, as the case may be, in case of surviving such owner;

(f) A mechanics' lien where the time limited for the registration thereof has not expired;

(g) Any right of expropriation, access or use conferred by Statute and any other right conferred upon or reserved to the Crown by any Statute.

(h) Any public highway. 1 Geo. V. c. 28, s. 24 (1); Highway. 3-4 Geo. V. c. 18, s. 27 (1).

(2) The description of the land in the entry of ownership shall not, as against adjoining owners, be conclusive as to the boundaries or extent thereof. 1 Geo. V. c. 28, s. 24 (7).

(3) Where a license under The Crown Timber Act, or any Statute for which that Act is substituted, has been or shall be granted, and the land is registered under this Act, the same shall be deemed to have been and to be subject to the licenses. 88 s.
rights of the licensee or his assigns for the current license year under the license, and to the rights of His Majesty in the pine trees under The Public Lands Act, or any Statute for which that Act is substituted, without the fact of such land being so subject being expressed in the entry in the register, or in the certificate of ownership. 1 Geo. V. c. 28, s. 25.

Where applicant desires certificate free from (a)-(e) of s. 24 (1).

Notice of application to have certificate free from highway.

Trial of right of highway in Supreme Court.

Master may direct action or issue.

Registration pending decision and subsequent variation of entry.

Lands subject to mortgage at time of registration.

Mortgages existing at First Registration.

Where land is registered subject to mortgages existing thereon at the time of the first registration the mortgages shall be noted in the register in the same order as they
are registered in the registry office if such mortgages have been so registered, or the dates of the respective registrations thereof shall be stated, but this shall not be taken as an affirmation that such mortgages rank in the order in which they were registered or in the order in which they are noted.

(2) Abstracts of all instruments dealing with such mortgages shall thereafter be entered in the register, and the entry thereof shall be deemed the registration of the instrument, and the rights of the parties interested or claiming to be interested in any such mortgage so far as it affects land under this Act shall, subject to sections 10 to 13 and 42 to 45, be decided under the registry law as if the registrations in the Office of Land Titles had been made under The Registry Act.

Determination of Incumbrances or Leases existing at First Registration.

27.—(1) Where upon the first registration of land notice of any incumbrance affecting such land has been entered on the register the proper Master of Titles, on proof to his satisfaction of the discharge of such incumbrance, shall note in the prescribed manner on the register, by cancelling the original entry or otherwise, the cessation of such incumbrance and thereupon the incumbrance shall cease.

(2) On the requisition or certificate of a mortgagee whose mortgage was entered on the register on the first registration of the land, or the registered assignee thereof, or of the personal representative of such mortgagee or assignee, authorizing or certifying the discharge of the whole or any part of the land therefrom, or the discharge of the whole or any part of the money thereby secured, the Master may note on the register the discharge of such land from the mortgage or the discharge of such part of the money, and thereupon, as to the land or money discharged, the incumbrance shall cease.

(3) The death of the person who signed the requisition or certificate shall not revoke or otherwise affect the same.

28. The proper Master of Titles, on proof to his satisfaction of the determination of any lease of registered land existing at the first registration, shall note in the prescribed manner on the register the determination of such lease.

Adverse Possession as against Registered Owner.

29.—(1) A title to any land adverse to or in derogation of the title of the registered owner shall not be acquired by any length of possession.
(2) This section shall not prejudice, as against any person registered as first owner of land with a possessory title only, any adverse claim in respect of length of possession of any other person who was in possession of the land at the time when the registration of such first owner took place. 1 Geo. V. c. 28, s. 29.

PART IV.

TRANSFER AND CHARGE OF REGISTERED LAND.

Charge of Registered Land.

30.—(1) Every registered owner may in the prescribed manner charge the land with the payment at an appointed time of any principal sum of money either with or without interest, or as security for any other purpose, and with or without a power of sale.

(2) The charge shall be completed by the proper Master of Titles entering on the register the person in whose favor the charge is made as the owner of the charge, stating the amount of the principal sum which the charge secures, with the rate of interest and the periods of payment, or the other purpose for which the charge is given.

(3) Where the charge contains a power of sale that fact shall be stated, but the particulars need not be set out in the register, nor shall it be necessary to set forth incidental matters which may be expressly charged, such as costs of inspection, or of abortive attempts to sell and the like.

(4) The charge, when registered, shall confer upon the chargor a charge upon the interest of the chargor as appearing in the register subject to the incumbrances and qualifications to which such interest is subject, but free from any unregistered interests in the land.

(5) The Master shall also, if required, deliver to the owner of the charge a certificate of charge in the prescribed form.

(6) The provisions of section 74 of The Registry Act shall apply to the charge as if it was a registered mortgage. 1 Geo. V. c. 28, s. 30.

31.—(1) Where a registered charge is created there shall be implied on the part of the registered owner, at the time of the creation of the charge, his heirs, executors and administrators, unless there is an entry on the register negativing the implication, covenants with the registered owner for the time being of the charge:

(a) To pay the principal sum charged and interest, if any, thereon at the appointed time and rate; and all taxes, rates, charges, rents, statute labour or other impositions theretofore or thereafter
imposed or charged on the land, and that in case of default all payments made by the owner of the charge may be added to the principal sum and bear interest;

(b) If the principal sum or any part thereof is unpaid at the appointed time to pay interest half yearly at the appointed rate on so much of the principal sum as for the time being remains unpaid.

(2) Where a charge, whether or not under seal, is expressed to be made in pursuance of The Short Forms of Mortgages Act, or refers thereto, and contains any form of words contained in clauses numbered 1, 2, 3, 7, 8, 12, 14, 15 or 16 of Column One of Schedule B to that Act, whether expressed in the first or third person, such words shall have the same meaning and effect as the words under the corresponding number in Column Two in that schedule; and the provisions of that Act shall apply to the charge. 1 Geo. V. c. 28, s. 31.

32. Where a registered charge is created on any leasehold land there shall be implied on the part of the registered owner of such leasehold land, at the time of the creation of the charge, his heirs, executors, and administrators, unless there is an entry on the register negativing the implication, covenants with the registered owner for the time being of the charge:

(a) That the registered owner of such leasehold land, at the time of the creation of the charge, his executors, administrators or assigns will pay, perform and observe the rent, covenants and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed and observed; and

(b) Will keep the owner of the charge, his executors, administrators and assigns indemnified against all actions, suits, expenses and claims on account of the non-payment of such rent, or any part thereof, or the breach of such covenants or conditions or any of them. 1 Geo. V. c. 28, s. 32.

33. Subject to any entry to the contrary on the register by the registered owner of a registered charge, for the purpose of obtaining satisfaction of any money due to him under the charge, at any time during the continuance of his charge, he may enter upon the land charged, or any part thereof, or into the receipt of the rents and profits thereof, subject nevertheless to the right of any persons appearing on the register to be prior incumbrancers, and to the liability attached to a mortgagee in possession. 1 Geo. V. c. 28, s. 33.

34. Subject to any entry to the contrary on the register by the registered owner of a registered charge may enforce its
by foreclosure or sale in the same manner and under the same circumstances in and under which he might enforce the same if the land had been transferred to him by way of mortgage, subject to a proviso for redemption. 1 Geo. V. c. 28, s. 34.

35. Subject to any entry to the contrary on the register the registered owner of a registered charge with a power of sale, in accordance with the terms of the power, may sell and transfer the interest in the land which is the subject of the charge, or any part thereof, in the same manner as if he were the registered owner of the land to the extent of such interest therein. 1 Geo. V. c. 28, s. 35.

36. Subject to any entry to the contrary on the register registered charges on the same land shall as between themselves rank according to the order in which they are entered on the register, and not according to the order in which they are created. 1 Geo. V. c. 28, s. 36.

37.—(1) The proper Master of Titles shall, on the requisition of the registered owner of any land and on due proof of the satisfaction of a charge thereon, or may, on the requisition of the registered owner of a charge or of his personal representative or on his certificate of the satisfaction thereof, note on the register in the prescribed manner, by cancelling the original entry or otherwise, the cessation of the charge, and thereupon the charge shall cease.

(2) The Master may in like manner and with the like effect note the cessation of any other incumbrance.

(3) On the requisition or certificate of the registered owner of a charge, or of the personal representative of such owner authorizing or certifying the discharge of any part of the land therefrom or the discharge of any part of the money thereby secured, the Master may note on the register the discharge of such land from the charge or the discharge of such part of the money and thereupon as to the land or money discharged the charge shall cease.

(4) The death of the person who signed the requisition or certificate shall not revoke or otherwise affect the same. 1 Geo. V. c. 28, s. 37.

Transfers after Land is Brought Under this Act.

38.—(1) Every registered owner may, in the prescribed manner, transfer the land or any part thereof.

(2) The transfer shall be completed by the proper Master of Titles entering on the register the transferee as owner of the land transferred, and until such entry is made the transferor shall be deemed to remain owner of the land.
(3) Upon completion of the registration of the transferee, the Master shall, if required, deliver to him a certificate of ownership in the prescribed form.

(4) Where part only of the land is transferred the Master shall also, if required, deliver to the transferor a certificate of ownership containing a description of the land retained by him. 1 Geo. V. c. 28, s. 38.

39.—(1) Any person who is entitled to have a transfer or charge entered on the register shall have the right to compel, or deliver it to such person for production for the purpose of having all proper entries or alterations made thereon by the Master, or for cancellation when the certificate has become effete.

(2) A person entitled to have a cessation of a charge entered shall have the right to have an outstanding certificate of ownership of the charge produced in like manner in order that it may be cancelled. 1 Geo. V. c. 28, s. 39.

40. Where, upon an application for the registration of a charge or of a transfer of any land or charge, the proper Master of Titles considers it expedient to require the production of the certificate of ownership, either for the purpose of identifying the person dealing with the land or charge or for cancellation when the same ought to be cancelled or for any other purpose, he may do so, and may decline to enter the charge or transfer on the register until the certificate has been produced, and if the certificate is not produced within such time as the Master limits he may return the transfer or charge. 1 Geo. V. c. 28, s. 40.

41. Where registered land is transferred to trustees under The Religious Institutions Act the trustees shall be registered as owners in the usual manner and by their corporate name without setting out the purposes or trusts on which the land is held, but a note shall be made by the proper Master of Titles that the land is only to be transferred or charged in accordance with the provisions of that Act. 1 Geo. V. c. 28, s. 41.

42. A transfer for valuable consideration of land registered with an absolute title, when registered, shall confer on the transferee on estate in fee simple in the land transferred, together with all rights, privileges and appurtenances belonging or appurtenant thereto, subject to:

(a) The incumbrances, if any, entered or noted on the register; and

(b) Such liabilities, rights and interests, if any, as are declared for the purposes of the Act not to be
incumbrances unless the contrary is expressed on the register;

and as to such rights, privileges and appurtenances, subject also to any qualification, limitation or incumbrance to which the same are expressed to be subject in the register, or where such rights, privileges and appurtenances are not registered, then subject to any qualification, limitation or incumbrance to which the same are subject at the time of the transfer; but free from all other estates and interests whatsoever, including estates and interests of His Majesty, which are within the legislative jurisdiction of Ontario. 1 Geo. V. c. 28, s. 42.

43. A transfer for valuable consideration of land registered with a qualified title, when registered, shall have the same effect as a transfer for valuable consideration of the same land registered with an absolute title, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted. 1 Geo. V. c. 28, s. 43.

44. A transfer for valuable consideration of land registered with a possessory title shall not affect or prejudice the enforcement of any right or interest adverse to or in derogation of the title of the first registered owner, and subsisting, or capable of arising, at the time of the registration of such owner; but otherwise, when registered, shall have the same effect as a transfer for valuable consideration of the same land registered with an absolute title. 1 Geo. V. c. 28, s. 44.

45. A transfer of registered land, made without valuable consideration, shall be subject, so far as the transferee is concerned, to any unregistered estates, rights, interests or equities subject to which the transferor held the same; but otherwise, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee, shall have the same effect as a transfer of the same land for valuable consideration. 1 Geo. V. c. 28, s. 45.

Claims for Dower.

46.—(1) Where it is claimed that registered land is free from dower on account of the land being held in trust, or for some reason other than the wife’s release of her dower by an instrument which can be produced and registered, and evidence to that effect which appears satisfactory is produced before the proper Master of Titles, he may issue a notice requiring the wife to support her right if she claims to be entitled to dower in the land; and if she fails to do so the Master may enter on the register a memorandum that the land is free from dower, and such entry shall, unless reversed on appeal, be a bar to any claim by such wife; and no appeal
shall lie unless the wife claims her right of dower before the Master.

(2) This section shall also apply to the widow of a former owner. 1 Geo. V. c. 28, s. 46.

47. Where registered land is transferred subject to a charge, or where the registered owner of land which is subject to a charge subsequently marries, the wife of the transferee or owner shall have the same rights in respect of dower as she would have had if the legal estate had been transferred by an ordinary mortgage and no others. 1 Geo. V. c. 28, s. 47.

Transfers of Leaseholds.

48.—(1) Every registered owner of leasehold land may, in the prescribed manner, transfer the whole of his estate in such land or in any part thereof.

(2) The transfer shall be completed by the proper Master of Titles entering on the register the transferee as owner of the leasehold land transferred, but until such entry is made the transferor shall be deemed to remain owner.

(3) Upon completion of the registration of the transferee, if the transfer includes the whole of the land comprised in the registered lease relating to such land, the transferee shall be entitled to the office copy of the registered lease.

(4) If a part only is transferred the Master, if required according to any agreement that has been entered into between the transferor and transferee, shall deliver to the one the office copy of the registered lease and to the other a fresh office copy of such lease, each of such copies showing, by endorsement or otherwise, the parcels of which the person to whom such copy is delivered is the registered owner. 1 Geo. V. c. 28, s. 48.

49. A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held, when registered, shall vest in the transferee the land transferred for all the leasehold estate described in the registered lease relating to such land and then unexpired, with all implied or expressed rights, privileges, and appurtenances attached to such estate, but subject to

(a) All implied and express covenants, obligations, and liabilities incident to such estate;

(b) The incumbrances, if any, entered or noted on the register; and

(c) Such liabilities, rights and interests as affect the leasehold estate and are by this Act declared for the purposes of the Act not to be incumbrances
in the case of registered freehold land unless
the contrary is expressed on the register;
but free from all other estates and interests whatsoever,
including any estates and interests of His Majesty, which
are within the legislative jurisdiction of Ontario. 1 Geo. V.
c. 28, s. 49.

50. A transfer for valuable consideration of leasehold land,
registered without a declaration of the title of the lessor,
shall not affect the enforcement of any estate, right or interest
affecting or in derogation of the title of the lessor to grant
the lease under which the land is held; but otherwise, when
registered, shall have the same effect as a transfer for valu-
able consideration of the same land registered with a declar-
ation that the lessor had an absolute title to grant the lease
under which the land is held. 1 Geo. V. c. 28, s. 50.

51. A transfer for valuable consideration of leasehold land,
registered with a declaration that the lessor had a qualified
title to grant the lease under which the land is held, when
registered, shall have the same effect as a transfer for valu-
able consideration of the same land registered with a declar-
ation that the lessor had an absolute title to grant the lease
under which the land is held, save that such transfer shall
not affect or prejudice the enforcement of any right or inter-
est appearing by the register to be excepted from the effect
of registration. 1 Geo. V. c. 28, s. 51.

52. A transfer of registered leasehold land made without
valuable consideration shall be subject, so far as the transferee
is concerned, to any unregistered estates, rights, interests
or equities subject to which the transferor held the same;
but otherwise, when registered, in all respects and in par-
ticular as respects any registered dealings on the part of the
transferee, shall have the same effect as a transfer of the
same land for valuable consideration. 1 Geo. V. c. 28, s. 52.

53. On the transfer of any registered leasehold land, unless
there is an entry on the register negating such implication,
there shall be implied

(a) On the part of the transferor a covenant with the
transferee that, notwithstanding anything by
such transferor done, omitted or knowingly
suffered, the rents, covenants and conditions
reserved and contained by and in the registered
lease, and on the part of the lessee to be paid,
performed, and observed, have been so paid, per-
formed, and observed up to the date of the trans-
fer; and

(b) On the part of the transferee a covenant with the
transferor that the transferee, his executors,
administrators or assigns will pay, perform, and
observe the rents, covenants and conditions by
and in the registered lease reserved and con­tained, and on the part of the lessee to be paid,
performed and observed, and will keep the trans­feror, his executors, administrators and assigns
indemnified against all actions, suits, expenses
and claims on account of the non-payment of the
rent or any part thereof, or the breach of the
covenants or conditions or any of them. 1 Geo. V.
c. 28, s. 53.

Transfer of Charges.

54.—(1) The registered owner of a charge may, in the
prescribed manner, transfer such charge to another person
as owner.

(2) The transfer shall be completed by the proper Master
of Titles entering on the register the transferee as owner of
the charge transferred.

(3) The transfer, when registered, shall confer upon the
effect of the transferee the ownership of the charge free from any unreg-
istered interests therein, and the transfer of part of the sum
secured by a charge shall confer upon the transferee the own-
ership of such part free from any unregistered interests
therein.

(4) Every transfer of a charge shall be subject to the
state of account upon the charge between the chargor and
the chargee.

(5) The Master shall also, if required, deliver to the trans-
ferree a fresh certificate of charge.

(6) The transferor shall be deemed to remain owner of
such charge until the name of the transferee is entered on
the register in respect thereof.

(7) The registered owner of a charge may transfer a part
of the sum secured by the charge, and the part so transferred
may be given priority over the remaining part, or may be
defered or may continue to rank equally with it as may be
stated in the transfer. 1 Geo. V. c. 28, s. 54.

Time of Registration.

55. The day, hour and minute of the receipt of each instru-
ment and copy of writ shall be noted thereon, and for the
purpose of priority between chargees, transferees and others
the time of the receipt shall be deemed the time of regis-
tration. 1 Geo. V. c. 28, s. 55.
Transmission of Land and Charges on Owner's Death.

56. On the death of the sole registered owner, or of the survivor of several joint registered owners, of any freehold land such person shall be registered as owner in the place of the deceased owner or owners as may, on the application of any person interested in such land, be appointed by the proper Master of Titles, regard being had to the rights of the several persons interested in the land, and in particular to the selection of any such persons as may for the time being appear to the Master to be entitled, according to law, to be so appointed, subject to an appeal to the Court in the prescribed manner by any person aggrieved by any order of the Master under this section. 1 Geo. V. c. 28, s. 56.

57. On the death of the sole registered owner, or of the survivor of several joint registered owners, of any leasehold land or of any charge the executor or administrator of such sole deceased owner, or of the survivor of such joint owners, shall be entitled to be registered as owner in his place 1 Geo. V. c. 28, s. 57.

58. Where two or more persons have been entered as owners of any land or charge and one of them dies his personal representative may apply to be entered as owner jointly with the survivor or survivors. 1 Geo. V. c. 28, s. 58.

59. Any person registered in the place of a deceased owner shall hold the land or charge, in respect of which he is registered, upon the trusts and for the purposes to which the same is applicable by law, and subject to any unregistered estates, rights, interests, or equities subject to which the deceased owner held the same; but otherwise in all respects, and in particular as respects any registered dealings with such land or charge, he shall be in the same position as if he had taken such land or charge under a transfer for a valuable consideration. 1 Geo. V. c. 28, s. 59.

60. The fact of any person having become entitled to any land or charge in consequence of the death of any registered owner shall be proved in the prescribed manner. 1 Geo. V. c. 28, s. 60.

61. Where an heir or devisee applies to be entered as owner of any registered land which has vested in him under The Devolution of Estates Act the proper Master of Titles shall make such entry without reference to the liability of the land for debts, except under executions, copies of which have been duly lodged; and the liability under that Act of such land or any transferor thereof shall be determined as if such land had not been registered under this Act. 1 Geo. V. c. 28, s. 61.
Executions and Sales Thereunder.

62.—(1) The sheriff or other officer to whom the same notice of executions is directed forthwith after the delivery to him of any execution or other writ, or renewal thereof, affecting registered land, upon written request of the party by whom such execution or other writ was sued out or renewed, or of his solicitor, but not otherwise, shall deliver or transmit by registered post to the proper Master of Titles a copy of the writ certified under his hand; and no registered land shall be bound by any such writ until such copy has been received by the Master; and after the receipt by him of the copy no transfer by the execution debtor shall be effectual, except subject to the rights of the execution creditor under the writ.

(2) The Master shall keep a book in the prescribed form in which shall be entered a record of all writs, copies of which are received by him from the sheriff or other officer.

(3) No sale or transfer under any such writ shall be valid as against a person purchasing for valuable consideration before such entry is made, notwithstanding that the purchaser may have had notice of the writ.

(4) Upon production to the Master of sufficient evidence of the satisfaction of any such writ he shall cause an entry to be made in the book to that effect, and on such entry the writ shall be deemed to be satisfied.

(5) Every writ and renewal of a writ shall be presumed to have been spent, and the delivery or transmission of a copy thereof shall cease to have effect at the expiration of the writ or renewal as appearing on the copy transmitted; but if there has been a sufficient commencement of the execution to enable it to be completed by the sale and conveyance of the land under the writ, and the same has not been completely executed, the sheriff or officer shall, or the execution creditor may, at any time within one month before the expiration of the writ or renewal as so appearing, file with the Master a certificate of the sheriff or officer stating that fact, and such certificate shall be noted at the entry of the writ in the book, and the writ shall continue in force for a further period of one year from the filing of the certificate when it shall cease to have effect unless another similar certificate is filed which shall operate in like manner.

(6) Where an execution or other writ is issued against the registered owner under a different name from that under which he is registered the writ shall have no effect under this Act, unless the person who sues out the writ, or his solicitor, gives a notice to the Master stating the name under which the execution debtor is registered, and otherwise in the form or to the effect prescribed, or unless a like notice is written upon the copy of the writ.
(7) The sheriff or other officer shall be entitled to a fee of fifty cents for each copy of writ or certificate transmitted by him. 1 Geo. V. c. 28, s. 62.

63. Where a transferor or transferee of land, or maker or owner of a charge, claims that a writ apparently affecting land does not affect the land or charge he shall produce such evidence thereof as the proper Master of Titles may consider necessary, and the Master may require all parties interested to be notified of the application to register freed from the writ, and may himself decide the question or may direct an issue to be tried or a case to be stated and may make such order as to costs as he deems just. 1 Geo. V. c. 28, s. 63.

64. (1) The seizure under execution or other process of a mortgage or charge, or of leasehold land registered under this Act, shall not take effect until a certificate of the sheriff or other officer that he has taken such mortgage, charge or leasehold land under such process against the registered owner thereof is lodged with the proper Master of Titles.

(2) The certificate shall state the number of the parcel under which the land affected is registered and the name of the owner, and shall be noted by the Master in the register.

(3) This section shall not apply where the proceedings prescribed by section 25 of The Execution Act have been taken with respect to a mortgage or charge. 1 Geo. V. c. 28, s. 64.

65. Where any registered freehold or leasehold land is sold under execution or other process the proper Master of Titles, upon the production to him of the transfer of the same by the sheriff or other officer in the prescribed form, with proof of the due execution thereof, shall cause a notice to be mailed to the proper post-office address of the person whose interest has been sold; and after the expiration of two weeks from the mailing of the notice, and if no other person has become entitled meanwhile for want of entry of the writ or otherwise, the Master shall register the purchaser as owner, and shall, if required, issue to him a certificate of ownership in the prescribed form. 1 Geo. V. c. 28, s. 65.

Sale for Taxes.

66. (1) Where land is sold for taxes the purchaser may at any time after the sale lodge a caution against the transfer of the land; and upon the completion of the time allowed by law for redemption, and upon the production of the transfer of the land in the prescribed form, with proof of the due execution thereof by the proper officer, the proper Master of Titles shall cause a notice to be mailed to the proper post-office address of the persons who appear upon the register to be interested in the land; and after the expiration of three months from the mailing of the notice shall register the pur-
chaser at the sale as owner of the land with an absolute title; and shall, if required, issue to him a certificate of ownership in the prescribed form, unless the registration is in the meantime stayed by order of the Court, and in that case the registration shall not be made, nor shall the certificate be issued, except in accordance with the order and direction of the Court.

(2) Where it is made to appear to the Master that the

purchaser has so dealt with the land that a mechanic's lien has or probably has attached thereto subsequent to the sale, and a claim of lien has been registered against the land, the Master may register the purchaser's title as subject to the claim of lien. 1 Geo. V. c. 28, s. 66.

Cessation of Mechanics' Liens.

67. On its appearing to the satisfaction of the proper Master of Titles that a lien under The Mechanics and Wage Earners Lien Act has ceased to exist the Master may make an entry accordingly, or an entry cancelling the claim; and the land affected shall thereby be released from the claim. 1 Geo. V. c. 28, s. 67.

PART V.

OTHER DEALINGS WITH REGISTERED LAND.

Registered owner only may make registered disposition.

68.—(1) No person other than the registered owner shall be entitled to transfer or charge registered freehold or leasehold land by a registered disposition.

(2) Subject to the maintenance of the estate and right of such owner any person having a sufficient estate or interest in the land may create estates, rights, interests and equities in the same manner as he might do if the land were not registered.

(3) Any person entitled to or interested in any unregistered estates, rights, interests or equities in registered land may protect the same from being impaired by any act of the registered owner by entering on the register such notices, cautions, inhibitions or other restrictions as are authorized by this Act.

(4) No person other than the registered owner thereof shall be entitled to transfer a registered charge by a registered disposition; but, subject to the maintenance of the right of such owner, unregistered interests in a registered charge may be created in the same manner and with the same incidents, so far as the difference of the subject matter admits, and with which unregistered estates and interests may be created in registered land. 1 Geo. V. c. 28, s. 68.
69.—(1) Every transfer or charge signed by a registered owner, or others claiming by transfer through or under him, purporting to transfer or charge freehold or leasehold land, or an interest therein, capable of being registered, or purporting to transfer a charge, shall, until cut out by a conflicting registration, confer upon the person intended to take under such transfer or charge a right to be registered as the owner of such land or charge, and where a person applies to be registered under this section the proper Master of Titles may either forthwith, or after requiring such notices to be given as he deems expedient, register such applicant as owner, subject to such incumbrances, if any, as the condition of the title requires, notwithstanding that the transfer or charge has been executed or bears date prior to the entry of such transferor or chargor as the owner of the land or charge.

(2) Any person claiming to be entitled to freehold or leasehold land, or to an interest therein, capable of being registered, or to a charge as devisee, heir, executor or administrator of a person who might have been registered under subsection 1, or any person claiming through or under such devisee, heir, executor or administrator may apply to be registered as owner of such land, interest or charge, and, if no conflicting registration has been made, may be so registered subject to the provisions of this section.

(3) On registering the applicant the Master shall, so far as practicable, enter on the register short particulars of every instrument or other title under which the right is conferred, as if such instrument had been duly presented for registration, or application for entry of transmission had been made in the proper order of time, and, as a preliminary step to the registration of the applicant, may enter any intermediate transferee, heir, executor or administrator as registered owner where that method is more convenient.

(4) No application by a person claiming through or under a deceased person shall be allowed unless all the persons entitled to the whole of the estate of the deceased in the land are to be entered as owners.

(5) The Master may in like manner enter as owner of freehold or leasehold land or of a charge any person who is entitled to such land or charge through the death of the owner, although the deceased had not been registered as owner, or any person who is entitled by virtue of the exercise of any power conferred by a statute, will, deed, or other instrument, whether the person so entitled claims directly from the deceased or directly under the power, or through any other person entitled by virtue of the death or power or through a succession of transfers or transmissions. 1 Geo. V. c. 28, s. 69.
(6) Where under an Order of Court any freehold or leasehold land or a charge is vested in any person the Master shall, on due proof of the order, make such entries in the Register as are necessary to give effect thereto, but if any person whose estate is affected by the Order is not shown by the Order to be a party to the cause or matter in which the Order was made the applicant shall furnish such evidence as is requisite to show that he is bound thereby.

(7) Where any street, road or lane laid out on a plan registered in a Land Titles Office has become a public highway, and has thereby become vested in a municipal corporation, the corporation may apply to the proper Master to be entered as the owner thereof.

(8) Where a highway or part of it has been closed by the action of a municipal council, and such highway or part of it has been transferred by the municipal corporation with- out the corporation having been entered as owner of it, the transferee may apply to be entered as owner of the highway or part of it transferred to him, and upon due proof of the facts the Master may enter such transferee as owner.

3-4 Geo. V. c. 18, s. 27 (2).

Notice of Lease.

70.—(1) Any lessee or other person entitled to or interested in a lease or agreement for a lease of registered land, where the term is for a life or lives, or is determinable on a life or lives, or where the period of the lease or agreement yet to run is three years or upwards, or where the occupation is not in accordance with such lease or agreement, may apply for registration of notice of such lease or agreement in the prescribed manner.

(2) Where the lease is by the registered owner of the land, the Master may without notice to him enter on the register such notice thereof as he deems necessary.

(3) Where the lease is not by the registered owner but his title appears to be subject thereto, or in the case of an agreement for a lease, the Master, upon notice to such owner, may enter notice of the lease or agreement on the register.

(4) The applicant shall deliver to the Master the original lease or agreement or a copy thereof; and if the application is granted the Master shall make a note on the register identifying the lease or agreement or copy so deposited, and the lease or agreement or copy so deposited shall be deemed to be the instrument of which notice is given.

(5) If the registered owner concurs in a registration under subsection 2 or subsection 3 notice may be entered in such manner as may be agreed upon.

(6) When so registered every registered owner of the land and every person deriving title through him, excepting...
1410 Chap. 126. LAND TITLES. Sec. 70 (6).

owners of incumbrances registered prior to the registration of such notice, shall be deemed to be affected with notice of the lease or agreement as being an incumbrance on the land in respect of which the notice is entered.

(7) Where notice of such lease or agreement has been registered the Master, on proof to his satisfaction of the determination of the lease or agreement, shall in the prescribed manner note the determination on the register.

(8) Where a notice of a lease or of an agreement for a lease has been registered under this section, a transferee or a chargee of the lease or agreement may apply to have a notice of his transfer or charge entered on the register.

(9) Unless the transferee or chargee has actual notice of a prior transfer or charge a transfer or charge in respect of which notice has been entered shall take priority of one of which notice has not been entered. 1 Geo. V. c. 28, s. 70.

Notice of Estates in Dower or by the Curtesy.

71. Any person entitled to an estate in dower or by the courtesy in any registered land may apply in the prescribed manner to the proper Master of Titles to register notice of such estate; and the Master, if satisfied of the title of such person to such estate, shall register notice of the same accordingly in the prescribed form; and when so registered such estate shall be an incumbrance appearing on the register and shall be dealt with accordingly. 1 Geo. V. c. 28, s. 71.

Caution against Registered Dealings.

72.—(1) Any person interested in any way in any land or charge registered in the name of any other person may lodge a caution with the proper Master of Titles to the effect that no dealings with such land or charge be had on the part of the registered owner or other named person who is shown to have an interest in the land until notice has been served upon the cautioner.

(2) The caution shall be supported by an affidavit made by the cautioner or his agent or solicitor in the prescribed form and containing the prescribed particulars.

(3) A person interested under a lease, or agreement for a lease, of which notice has been entered on the register, or a person entitled to an estate in dower, or by the courtesy, of which notice has been entered on the register, shall not be entitled to lodge a caution in respect of such lease or agreement or estate in dower or by the courtesy.

(4) Every caution founded upon an execution or upon an allegation that a transfer, charge or other dealing is fraudu-
lent shall be renewed before the expiration of five years from the date of lodging the same, otherwise it shall cease to have effect. 1 Geo. V. c. 28, s. 72 (part).

73.—(1) After any such caution has been lodged the proper Master of Titles shall not, without the consent of the cautioner, register any dealing with the land or charge until after notice to the cautioner warning him that his caution will cease to have any effect after the expiration of the prescribed number of days next ensuing the date at which the notice is served.

(2) After the expiration of such time the Master shall enter a cessation of the caution unless good cause for its continuance is shown.

(3) Upon the caution so ceasing the land or charge shall be dealt with in the same manner as if no caution had been lodged.

(4) A notice to a cautioner shall not be required where the dealing proposed to be registered is under the authority of a judgment or order of court in a suit or proceeding to which the cautioner is a party, or where such dealing is under a power of sale contained in a charge or mortgage which is prior to the title under which the cautioner claims, and the cautioner has been served with a notice of the proposed exercise of the power of sale, and the caution is not in respect of the exercise of the power of sale, or where the dealing is of such a nature that it cannot detrimentally affect the interest of the cautioner as claimed in the affidavit filed with his caution.

(5) The Master, upon receiving the consent of the cautioner how Master to the registration of a dealing, may discharge the caution unless the consent provides for its continuance, or he may discharge the caution as to the land or charge to which the dealing applies, but he shall not do so where from the nature of the dealing he is of opinion that the continuance of the caution is contemplated. 1 Geo. V. c. 28, s. 73.

74.—(1) Where the registered owner of any freehold or leasehold land has executed a transfer or a charge thereof, but claims that on account of special circumstances shown by affidavit the transferee or chargee should not be registered without notice to the registered owner, the proper Master of Titles may permit the registration of a caution by the registered owner.

(2) The registration of such caution shall stay the registration of the transfer until such notice has been served on the cautioner in accordance with the provisions of section 73. 1 Geo. V. c. 28, s. 74.
Sec. 75. If before the expiration of the prescribed period the cautioner or some person on his behalf appears before the proper Master of Titles, and within such period, or such additional period as the Master may allow, gives sufficient security to indemnify every person against any damage that may be sustained by reason of any dealing with the land or charge being delayed, the Master may delay registering any dealing with the land or charge for such further period as he deems just, or may instead of taking the security register such dealing subject to the caution on any condition which he thinks fit to impose, as to security or otherwise, or may make such other order as he deems just. 1 Geo. V. c. 28, s. 75.

Sec. 76. A second caution by the same cautioner, or by any other person in respect of the same matter, shall not be lodged, or if lodged shall not be entered or have any effect without the special permission of the proper Master of Titles, which may be given either upon terms or without terms as he may think proper. 1 Geo. V. c. 28, s. 76.

Sale of Standing Timber.

Sec. 77. Where timber standing upon registered land is sold under an agreement in writing the purchaser, instead of entering a caution, may deposit the agreement with the proper Master of Titles, and the Master, upon proof of the due execution thereof by the owner, shall register the same as an incumbrance upon the land by entering a memorandum upon the register referring to the instrument and giving shortly the effect thereof. 1 Geo. V. c. 28, s. 77.

Inhibition against Registered Dealings.

Sec. 78.—(1) The Court or the proper Master of Titles, upon the application of any person interested, made in the prescribed manner in relation to any registered land or charge, after directing such inquiries, if any, to be made and notices to be given, and after hearing such persons as the Court or Master deems expedient, may issue an order or make an entry inhibiting for a time, or until the occurrence of an event to be named in such order or entry, or generally until further order or entry, any dealing with registered land or with a registered charge.

(2) The Court or the Master may make an order or an entry and may impose any terms or conditions which may be deemed just, and may discharge the order or cancel the entry, with or without costs, and generally act in the premises in such manner as the justice of the case requires. 1 Geo. V. c. 28, s. 78.
Sec. 80.

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Power of Registered Owner to Impose Restrictions.

79.—(1) Where the registered owner of freehold or leasehold land or of a charge desires to place restrictions on transferring or charging the land or charge he may apply to the proper Master of Titles to make an entry on the register that no transfer shall be made or charge created unless the following things, or such of them as the owner may determine, are done; that is to say—

(a) Unless notice of any application for a transfer or for the creation of a charge is transmitted by registered post to such address as he may specify to the Master;

(b) Unless the consent of some person or persons, to be named by the owner, is given to the transfer or the creation of a charge; or

(c) Unless some other matter or thing is done as may be required by the applicant and approved by the Master.

(2) If the Master is satisfied of the right of the applicant to give such directions he shall make a note of them on the register, and no transfer shall be made or charge created except in conformity therewith.

(3) The Master shall not be required to enter any direction, except upon such terms as to payment of the fees and otherwise as may be prescribed, or to enter any restriction that he may deem unreasonable or calculated to cause inconvenience.

(4) Any such direction may at any time be withdrawn or modified at the instance of all the persons for the time being appearing by the register to be interested in such direction, and shall also be subject to be set aside by the Court. 1 Geo. V. c. 28, s. 79.

PART VI.

SUPPLEMENTAL PROVISIONS.

Notice of Registered Instruments.

80. No person other than the parties thereto shall be deemed to have any notice of the contents of any instruments other than those mentioned in the existing register of title of the parcel of land or which have been duly entered in the books of the office kept for the entry of instruments received or are in course of entry. 1 Geo. V. c. 28, s. 80.
Caution Against Entry of Land on Register.

81.—(1) Any person having or claiming such an interest in any unregistered land as entitles him to object to any disposition thereof being made without his consent may lodge a caution with the proper Master of Titles to the effect that the cautioner is entitled to notice in the prescribed form, and to be served in the prescribed manner, of any application that may be made for the registration of such land.

(2) Every caution under this section shall be renewed before the expiration of five years from the date of lodging the same otherwise it shall cease to have effect.

(3) No caution registered under this section in respect of any unpatented land shall be of any validity unless the description contained therein specifies the land in accordance with the description subsequently contained in the patent, or describes the same in such manner that the Master may know that the description in the caution is intended to affect the land described in the patent. 1 Geo. V. c. 28, s. 81.

Cautions as to Actions Pending.

82. A certificate of lis pendens affecting land shall not be registered, but any party to an action, or his solicitor, or any person claiming to be interested in the action, may lodge a caution subject to the same conditions as in other cases. 1 Geo. V. c. 28, s. 82.

General Provisions as to Cautions.

83. After a caution has been lodged in respect of any unregistered land, and while the same is in force, registration shall not be made of such land until notice has been served on the cautioner to appear and oppose such registration, and until the prescribed time has elapsed after the date of the service of such notice, or the cautioner has appeared whichever may first happen. 1 Geo. V. c. 28, s. 83.

84. Every caution shall be supported by an affidavit in the prescribed form stating the nature of the interest of the cautioner, the land to be affected by the caution and such other matters as may be prescribed. 1 Geo. V. c. 28, s. 84.

Caution Wrongfully Lodged.

85. Any person who lodges a caution without reasonable cause shall be liable to make to any person who may sustain damage by the lodging of such caution such compensation as may be just; and such compensation shall be deemed to be a debt due from the person who has lodged the caution to the person who has sustained damage.
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86. A caution shall not prejudice the claim or title of any person, and shall have no effect except as in this Act provided. 1 Geo. V. c. 28, s. 86.

Costs.

87.—(1) Any applicant under this Act shall be liable prima facie to pay all costs, charges and expenses incurred by or in consequence of his application, except where parties whose rights are sufficiently secured without their appearance, object, or where any costs, charges or expenses are incurred unnecessarily or improperly.

(2) The proper Master of Titles may order costs, either as between party and party or as between solicitor and client, to be paid by or to any person, party to any proceeding under this Act, and may give directions as to the fund out of which any costs shall be paid, regard being had to the provisions of subsection 1.

(3) Any person aggrieved by an order of the Master made under this section may appeal in the prescribed manner to the Court, which may annul or, with or without modification, confirm the order of the Master.

(4) If any person disobeys any order of the Master made under this section the Master may certify such disobedience of the Court, and thereupon, subject to such right of appeal, the order may be enforced in the like manner and by the like proceedings as if it were an order of the Court. 1 Geo. V. c. 28, s. 87.

Doubtful Questions of Law or Fact.

88.—(1) Where upon the examination of a title or upon an application with respect to registered land the proper Master of Titles entertains a doubt as to any matter of law he may state a case for the opinion of the Court and may name the parties to it; and where he entertains a doubt as to any matter of fact he may direct an issue to be tried for the purpose of determining such fact.

(2) The practice and procedure on and incidental to a case stated or on an issue directed under this section and the right to appeal from the judgment or other determination thereof shall be the same as on a special case or on an issue directed in an action.

(3) The powers conferred by this section shall not be exercised by a local Master of Titles except with the approval of the Inspector. 1 Geo. V. c. 28, s. 88.

89.—(1) Where any infant, idiot, lunatic, person of unsound mind, person absent from Canada, or person yet un-born is interested in the land in respect of the title to which
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a question arises as aforesaid, any person interested in the
land may apply to the Court for a direction that the opinion
of the Court to which the case is stated under this Act shall
be conclusively binding on such infant, idiot, lunatic, person
of unsound mind, person absent from Canada, or unborn per-
son.

(2) The Court shall hear the allegations of all parties
appearing before it, and may disapprove altogether or may
approve, either with or without modification, of the direc-
tions of the proper Master of Titles in respect to any case stated
as to the title of land.

(3) The Court may also, if necessary, appoint a guardian
or other person to appear on behalf of any infant, idiot,
lunatic, person of unsound mind, person absent from Canada,
or unborn person.

(4) The Court, if satisfied that the interests of the person
under disability, absent, or unborn will be sufficiently repre-
sented in any case, shall make an order declaring that all
persons, with the exceptions, if any, named in the order, are
to be conclusively bound; and thereupon all persons, with
such exceptions, shall be conclusively bound by the decision
of the Court. 1 Geo. V. c. 28, s. 89.

Certificates of Ownership, Office Copies of Leases, and
Certificates of Charge.

90.—(1) If any certificate of ownership or office copy of a
registered lease or certificate of charge is lost, mislaid, or
destroyed the proper Master of Titles, upon being satisfied
of that fact, may grant a new certificate of ownership or office
copy of certificate of charge in place of the former one. 1 Geo.
V. c. 28, s. 90.

(2) The proper Master of Titles, upon the delivery up to
him of a certificate of ownership or of an office copy of a
registered lease or of a certificate of charge, may grant a new
certificate of ownership or office copy of lease or certificate of
charge in place of the one delivered up. 1 Geo. V. c. 28, s. 91.

91. A certificate of ownership or certificate of charge shall
be prima facie evidence of the matters therein contained, and
the office copy of a registered lease shall be evidence of the
contents of the registered lease. 1 Geo. V. c. 28, s. 92.

92. Subject to any registered estates, charges, or rights,
the deposit of the certificate of ownership in the case of free-
hold land, and of the office copy of the registered lease in
the case of leasehold land for the purpose of creating a
lien on the land to which such certificate or lease relates,
shall be deemed equivalent to a deposit of the title deeds of
the land. 1 Geo. V. c. 28, s. 93.
Incorporal Hereditaments, Mining Rights and Easements.

93.—(1) The proper Master of Titles may register the owner of any incorporeal hereditament of freehold tenure, enjoyed in gross, also the owner of any mines or minerals where the ownership of the same has been severed from the ownership of the land, in the same manner and with the same incidents in and with which he is by this Act empowered to register the owner of land, or as near thereto as circumstances admit.

(2) Where an easement in or over unregistered land is granted as appurtenant to registered land the Master, after such examination as he deems necessary, may enter such easement in the register of the dominant land with a declaration that the title thereto is absolute, qualified or possessory, or otherwise as the case may require, and shall cause to be registered in the proper registry division a certificate of such entry.

(3) Where an easement in or over registered land is granted as appurtenant to unregistered land the Master may issue a certificate setting out such easement and the land to which it is appurtenant, which may be registered in the registry division in which the land is situate, and he shall note on the register that such certificate has been issued. 1 Geo. V. c. 28, s. 94.

94.—(1) In the case of lands registered under this Act no title to any ores, minerals or minerals shall be held to have passed or shall pass under section 3 of The Mines Act of 1892, or under section 3 of The Act respecting Mines, being chapter 36 of The Revised Statutes of Ontario, 1897, or under section 3 of the Act to amend the Mines Act, passed in the 63rd year of the reign of Her late Majesty Queen Victoria, until the registered owner shall have had himself entered as owner of such ores, minerals or minerals, or until his transferee or chargee shall have procured the Master to make the entries authorized by subsection 3.

(2) In case of lands registered under this Act no title to any ores, minerals or minerals shall be held to have passed or shall pass under Chapters 16, 17 and 18 of the Acts passed in the 8th year of the reign of His late Majesty King Edward VII., or sections 53 and 54 of The Public Lands Act, until the registered owner shall have furnished to the proper Master of Titles a certificate of the Minister of Lands, Forests and Mines or of a Deputy Minister, that the same were at the time of the passing of the said Acts the property of the Crown and had not been staked out, recorded, leased or granted under The Mining Act of Ontario passed in the said year of His said Majesty's reign, or under any statutory regulation previously in force, and until such owner shall have had himself registered as owner of the mines, ores or minerals or his transferee or chargee shall have procured
the Master to make the entries authorized by the next subsection.

(3) If any registered owner of lands shall have assumed to transfer or charge any mines, ores or minerals reserved by the Crown and coming within the said Acts the transferee or chargee may furnish to the said Master the certificate of the Minister or Deputy Minister as above provided, and shall have the right to apply to be registered as such transferee or chargee, and the said Master may make all proper entries in order to define the interests of the persons then appearing to be entitled to the mines, ores or minerals or any interest therein.

(4) No claim shall be sustained against the Assurance Fund in respect of any right arising under any of the said Acts by reason of any dealing with any ores, mines or minerals which were prior to the passing of such Act subject to the reservation thereof to the Crown. 2 Geo. V. c. 10, s. 1.

General Provisions.

95.—(1) There shall not be entered on the register or be receivable any notice of any trust, express, implied, or constructive.

(2) Describing the owner of any freehold or leasehold land, or of any charge as a trustee, whether the beneficiary or object of the trust is or is not mentioned, shall not be deemed a notice of a trust within the meaning of this section; nor shall such description impose upon any person dealing with such owner the duty of making any enquiry as to the power of the owner in respect of the land or charge or the money secured by the charge, or otherwise; but, subject to the registration of any caution or inhibition, such owner may deal with the land or charge as if such description had not been inserted.

(3) Where two or more owners are described as trustees the property shall be held to be vested in them as joint tenants unless the contrary is expressly stated. 1 Geo. V. c. 28, s. 95 (1-3).

(4) Nothing in this section shall prevent the registration of a charge given by an incorporated company for the purpose of securing bonds or debentures of the company, but the registration of any such charge shall not be deemed a guarantee that the proceedings necessary to render the same valid have been duly taken. 1 Geo. V. c. 28, s. 95 (4); 3-4 Geo. V. c. 18, s. 27 (4).

96.—(1) No person shall be registered as owner of any undivided share in any freehold or leasehold land or of any charge apart from the other share or shares.
(2) The share of each owner may be stated, and where the extent of his interest appears on the register, or by the statement of his co-owners, he may transfer or charge his share, or he may without such statement transfer his share to his co-owners. 1 Geo. V. c. 28, s. 96.

97.—(1) Where the number of persons who may be registered as the owners of the same freehold or leasehold land or charge is limited by a Rule, a number of persons exceeding the number prescribed shall not be registered as owners of such land or charge; and if the number of persons showing title exceeds the prescribed number, such of them not exceeding the prescribed number, as may be agreed upon, or as the proper Master of Titles in case of difference decides, shall be registered as owners.

(2) Upon the registration of two or more persons as owners of the same land or of the same charge an entry may, with their consent, be made on the register to the effect that when the number of such owners is reduced below a certain specified number no registered disposition of such land or charge shall be made except under the order of the Court.

(3) In such a case the words "No survivorship" in the entry shall be construed to mean that if any one of the owners should die no registered disposition of the land or charge shall be made except under order of the Court. 1 Geo. V. c. 28, s. 97.

98.—(1) Registered land shall be described in such manner as the proper Master of Titles deems best calculated to secure accuracy, but such description shall not be conclusive as to the boundaries or extent of the land.

(2) No alteration shall be made in the registered description of land, except under the order of the Court, or under section 119, or by way of explanation, or under Rules of Court; but this provision shall not extend to registered dealings with registered land in separate parcels, although such land was originally registered as one parcel. 1 Geo. V. c. 28, s. 98

99.—(1) There may be registered as annexed to any land which is being or has been registered, subject to general rules and in the prescribed manner, a condition or covenant that such land or any specified portion thereof is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

(2) The first owner and every transferee, and every other person deriving title from him, shall be deemed to be affected with notice of such condition or covenant; but any such condition or covenant may be modified or discharged by order of the Court, on proof to the satisfaction of the Court that
the modification will be beneficial to the persons principally interested in the enforcement of the condition or covenant.

(3) The entry on the register of a condition or covenant as running with or annexed to land shall not make it run with the land, if such covenant or condition on account of its nature, or of the manner in which it is expressed, would not otherwise be annexed to or run with the land.

(4) Where a condition or covenant has been entered on the register as annexed to or running with land, and a similar condition is contained in a subsequent transfer or a similar covenant is in express terms entered into with the owner of the land by a subsequent transferee, or vice versa, it shall not be necessary to repeat such condition or covenant on the register or to refer thereto, but the proper Master of Titles may, upon a special application, enter such condition or covenant either in addition to or in lieu of the condition or covenant first mentioned. 1 Geo. V. c. 28, s. 99.

100. All the provisions of The Trustee Act which are not inconsistent with the provisions of this Act shall apply to land and charges registered under this Act, but this enactment shall not prejudice the applicability to such land and charges of any provisions of that Act relating to land or choses in action. 1 Geo. V. c. 28, s. 100.

101. Neither the Master of Titles, nor any Local Master of Titles, nor any person acting under their authority or under any order of Court or general rule, shall be liable to any action, suit, or proceeding for or in respect of any act or matter bona fide done or omitted to be done in the exercise or supposed exercise of the powers conferred by this Act, or of any such order or general rule. 1 Geo. V. c. 28, s. 101.

Instruments need not be Sealed.

102. Notwithstanding the provisions of any statute, or any rule of law, any charge or transfer of land registered under this Act may be duly made by an instrument not under seal, and if so made the instrument and every agreement, stipulation and condition therein shall have the same effect for all purposes as if it were made under seal. 1 Geo. V. c. 28, s. 102.

Married Women.

103. A married woman shall for the purposes of this Act be deemed a feme sole and may execute without seal any bar of dower or other instrument required under this Act. 1 Geo. V. c. 28, s. 103.
104.—(1) In case any person who, if not under disability, might have made any application, given any consent, or done any act, or been party to any proceeding under this Act is an infant, an idiot or a lunatic, the guardian of the infant, or committee of the estate of the idiot or lunatic, may make such application, give such consent, do such act and be party to such proceedings as such person, if free from disability, might have made, given, done or been party to, and shall otherwise represent such person for the purposes of this Act.

(2) If the infant has no guardian, or the idiot or lunatic has no committee of his estate, or if a person yet unborn is interested, the official guardian shall act with like power, or the proper Master of Titles may appoint a person with like power to act for the infant, idiot, lunatic or person yet unborn. 1 Geo. V, c. 28, s. 104.

105.—(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 register in the proper Land Titles Office a plan of the land on a scale of not less than one inch to every four chains.

(2) The plan shall show in black India ink 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 in ink of another colour the numbers or other distinguishing marks of the lot or lots subdivided and by broken lines 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 in black India ink, 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, mill-ponds, 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 numbers the lots shall be numbered consecutively.

(7) The plan shall also show distinctly what land is being laid out thereby, and shall by proper colouring distinguish such land from all other land shown on the plan, but not in fact laid out thereby, and the last mentioned land shall be shown uncoloured.

(8) The plan 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 no such plan shall be less than twenty-four inches in length or twelve inches in width.

(9) The plan before being registered shall be signed by the person or the chief officer of the corporation by whom or on whose behalf the same is deposited, and shall be certified by an Ontario Land Surveyor in the prescribed form.

(10) The proper Master of Titles, before filing the plan, may require evidence to be given explaining any seeming discrepancy between the measurements on the plan and the description of the land in the register, or may require evidence respecting any other matter of which he requires explanation.

(11) Every person who deposits a plan of any survey or subdivision of land made by such person for the purpose of selling or conveying the same in lots, or of any alteration of a previous survey or subdivision, shall at the same time deposit a duplicate of such plan, and the Master shall endorse thereon a certificate showing the number of such plan and the date when the duplicate original thereof was filed with him, and the same shall be delivered by the Master to the treasurer or assessment commissioner of the local municipality in which the land is situate upon request and without fee.

(12) The Master shall not file or register any plan unless and until a duplicate thereof is deposited in accordance with the provisions of subsection 11.

(13) In the case of surveys 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 of the survey, if any. 1 Geo. V. c. 28, s. 105.

106.—(1) In cases not provided for by section 105 the proper Master of Titles may require a person applying for registration to deposit a plan of the land with the several measurements marked thereon, certified by an Ontario Land
Surveyor, and as many counterparts as may be required, upon one of the following scales:

(a) If the land, or the part thereof proposed to be transferred or dealt with, is of less area than one acre, the plan shall be on a scale not less than one inch to two chains;

(b) If the land, or the part thereof proposed to be transferred or dealt with, is of greater area than one acre, but not exceeding five acres, the plan shall be on a scale not less than one inch to five chains;

(c) If the land, or the part thereof proposed to be transferred or dealt with, is of greater area than five acres, but not exceeding eighty acres, the plan shall be on a scale not less than one inch to ten chains;

(d) If the land, or the part thereof proposed to be transferred or dealt with, is of greater area than eighty acres the plan shall be on a scale of one inch to twenty chains.

(2) The owner shall sign the plan and verify its accuracy before some person authorized under section 132.

(3) If the owner neglects or refuses to comply with such requirements the Master may refuse to proceed with the registration of the transfer or dealing.

(4) Subsequent subdivisions of the same land may be delineated upon a duplicate of the plan so deposited if the scale upon which it is drawn permits of that being done in conformity to the provisions of subsection 1; and the accuracy of the delineation of each such subdivision shall be certified and verified in the manner prescribed by subsections 1 and 2.

(5) Where the land of which a plan is directed to be deposited includes parts of different subdivisions the plan shall represent the whole of each subdivision and shall indicate the location of the land to be transferred; but this shall not be necessary in the case of lots in a city, town or village, the plan of which has been registered, unless the Master otherwise directs. 1 Geo. V. c. 28, s. 106.

107. In case a plan of a subdivision lays out any portion of the land as a street, road, lane or common it shall not be registered unless, on the application of the owner of the land subdivided, with the consent in writing of all persons who are registered as mortgagees or chargees thereof. 1 Geo. V. c. 28, s. 107.

108. All instruments affecting the land or any part thereof lodged with the proper Master of Titles after a plan is registered shall conform and refer thereto, or registration shall not be had thereunder unless the Master under special cir-
109.—(1) No plan upon which a road, street or highway less than 66 feet wide is laid out shall be registered unless and until the assent of the proper municipal council is registered therewith where such assent is by law necessary, and no plan upon which a street, road or lane is laid out shall be filed in any such office unless there is filed therewith the approval of the proper municipal council or unless such plan is approved by a Judge of the County or District Court of the county or district in which the land lies, where the same is not in the County of York or City of Toronto, or by the Master of Titles where the land is in the County of York or City of Toronto, after notice in each case to the proper municipal council. 1 Geo. V. c. 28, s. 109.

(2) The approval of the proper municipal Council, referred to in this section, may be upon terms and conditions embodied in an agreement signed by the owner of the lands laid out by such plan, and by the municipality, and may be registered upon the lands so laid out. 2 Geo. V. c. 24, s. 2.

110.—(1) No plan, although registered in an office of Land Titles, shall be binding on the person registering the same, or upon any other person, unless a sale has been made according to such plan; and in all cases amendments or alterations thereof may be ordered to be made at the instance of the person registering the same or his assigns, or of the owner for the time being of any of the land covered by the plan.

(a) By the Supreme Court or by a Judge thereof,

(b) Where the land is not in the County of York or City of Toronto by a Judge of the County or District Court of the county or district in which the land lies, or

(c) Where the land is in the County of York or City of Toronto by the Master of Titles,

if on application for the purpose duly made, and upon hearing all persons concerned, it is thought just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed just and expedient. 1 Geo. V. c. 28, s. 110 (1); 2 Geo. V. c. 24, s. 3 (1).

(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 decision to a Divisional Court.
(4) No part of a road, street, lane or alley upon which any such lot abuts, or which connects any such lot with, or affords access therefrom to the nearest public highway, 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. 2 Geo. V. c. 24, s. 3 (2).

111. Where all the lots on any plan of subdivision registered in a registry office are registered under this Act the proper Master of Titles may require the Registrar to deliver the plan to him to be registered in his office; and the Registrar shall thereupon deliver the same taking a receipt therefor. 1 Geo. V. c. 28, s. 111.

Notices.

112.—(1) Every person whose name is entered on the register as owner of freehold or leasehold land or of a charge, or as cautioner, or as entitled to receive any notice, or in any other character, shall furnish a place of address in Ontario, and may from time to time substitute some other place of address in Ontario for that originally furnished.

(2) If any such person fails to furnish a place of address for service of a notice sent by post addressed to such person at the place named in the registered instrument under which he claims as his place of residence shall be sufficient unless the proper Master of Titles otherwise directs.

(3) Every notice by this Act required to be given to any person shall be served personally, or sent by registered post to such person at the address or last address, as the case may be, furnished, and unless returned shall be deemed to have been received by the person addressed within such period, not less than seven days exclusive of the day of posting, as may be prescribed.

(4) The envelope containing any notice under this Act shall have printed thereon the words "Office of Land Titles," and a request in the prescribed manner for the return thereof to the office of Land Titles in case the person to whom the notice is addressed cannot be found.

(5) On the return of any envelope containing any notice the Master shall act in the matter requiring the notice to be given in the manner prescribed. 1 Geo. V. c. 28, s. 112.

113. A purchaser for valuable consideration when registered shall not be affected by the omission to send any notice by this Act directed to be given, or by the non-receipt thereof. 1 Geo. V. c. 28, s. 113.
**114.**—(1) Where an action is instituted for the specific performance of a contract relating to registered land, or a registered charge, the Court having cognizance of the action may by such mode as it deems expedient cause all or any persons who have registered estates or rights in the land or charge, or have entered notices, cautions or inhibitions against the same to appear in the action and show cause why the contract should not be specifically performed; and the Court may direct that any order made by the Court in the action shall be binding on such persons or any of them.

(2) All costs awarded to any person so appearing may, if the Court so orders, be taxed as between solicitor and client. 1 Geo. V. c. 28, s. 114.

**Rectification of the Register.**

**115.** Subject to any estates or rights acquired by registration in pursuance of this Act, where any Court of competent jurisdiction has decided that any person is entitled to any estate, right, or interest in or to any registered land or charge, and as a consequence of such decision the Court is of opinion that a rectification of the register is required, the Court may make an order directing the register to be rectified in such manner as may be deemed just. 1 Geo. V. c. 28, s. 115.

**116.** Subject to any estates or rights acquired by registration in pursuance of this Act, if any person is aggrieved by any entry made, or by the omission of any entry from the register, or if default is made or unnecessary delay takes place in making any entry in the register, any person aggrieved by such entry, omission, default or delay may apply to the Court in the prescribed manner for an order that the register may be rectified; and the Court may either refuse the application with or without costs to be paid by the applicant, or may, if satisfied of the justice of the case, make an order for the rectification of the register. 1 Geo. V. c. 28, s. 116.

**117.** The Master of Titles and the Local Masters of Titles shall obey the order of any competent Court in relation to any registered land on being served with the order or an office copy thereof. 1 Geo. V. c. 28, s. 117.

**118.**—(1) Upon the conviction under this Act, or under the Criminal Law of Canada, of any person for an offence whereby such person fraudulently procured an entry on the register by reason of which any person other than the rightful owner has become the registered owner of land, or by reason of which land under this Act has been wrongfully
incumbered, the proper Master of Titles, on the application of the rightful owner, may cancel such wrongful entry and may enter the rightful owner as the registered owner of the land.

(2) If while the wrongful entry was subsisting on the register any innocent person has been registered as the owner of any charge upon or any estate, right or interest in the land, the Master, instead of cancelling the wrongful entry, may make an entry on the register stating the fact of the conviction and revesting the land in the rightful owner subject to such charge, estate, right or interest, and the land shall thereupon be vested in the person named in such last mentioned entry in accordance with the terms thereof.

(3) This section shall apply to past as well as future cases.

119.—(1) The proper Master of Titles may sua sponte, without affidavit, enter a caution to prevent the dealing with any registered land when it appears to him that an error in any entry by mis-description of such land or otherwise.

(2) Subject to the rules the Master, before the receipt of any conflicting instrument, or after notifying all persons interested, upon such evidence as appears to him sufficient, may correct errors and supply omissions in certificates of ownership or of charge, or in the register, or in any entry therein, and may call in any outstanding certificate for that purpose.

(3) Where the Master under this section restores to the register any covenant or condition he may do so with such modifications as he deems advisable so as to do the least possible injury to the persons affected by their omission or by their restoration, and upon notice to the Attorney-General for Ontario, at the same time or subsequently, may determine what damages, if any, shall be paid to any of the persons claiming to have been injuriously affected by the omission of the covenants or by their restoration. 1 Geo. V. c. 28, s. 119.

120. Where land has been registered under this Act, and the Minister of Lands, Forests and Mines under The Public Lands Act directs an incorrect patent to be cancelled and a correct one to be issued in its stead, the proper Master of Titles, upon receipt of the subsequent patent, if no conflicting instrument has been received, shall amend the entry on the register to accord with the amending patent, or if a conflicting instrument has been received the Master, after notifying all persons interested, may make such amendment. 1 Geo. V. c. 28, s. 120.
121. Subject to the provisions of this Act, with respect to registered dispositions for valuable consideration, any disposition of land or of a charge on land which, if unregistered, would be fraudulent and void shall, notwithstanding registration, be fraudulent and void in like manner. 1 Geo. V. c. 28, s. 121.

122.—(1) Any person who fraudulently procures, attempts to fraudulently procure, or is privy to the fraudulent procurement of any entry on the register, or of any erasure from the register or alteration of the register, shall be guilty of an offence under this Act, and upon conviction shall be liable to imprisonment for any term not exceeding two years, with or without hard labour, or to be fined such sum not exceeding $1,000 as the Court before which he is tried may adjudge.

(2) Any such entry, erasure, or alteration shall be void as between all parties or privies to the fraud. 1 Geo. V. c. 28, s. 122.

See The Criminal Code, ss. 175 and 420, as to the fraudulent registration of titles and making false affidavits.

ASSURANCE FUND.

123.—(1) An Assurance Fund shall be formed for the indemnity of persons who may be wrongfully deprived of land or some estate or interest therein by reason of the land being brought under the provisions of this Act, or by reason of some other person being registered as owner through fraud, or by reason of any misdescription, omission, or other error in a certificate of ownership or of charge or in any entry on the register.

(2) In order to constitute such fund there shall be payable on the first registration under this Act of any land with an absolute or qualified title, in addition to all other fees, a sum equal to one-fourth of one per cent. of the value of the land apart from the buildings or fixtures thereon, and one-tenth of one per cent. of the value of the buildings and fixtures, and with a possessory title one-eighth of one per cent. of the value of the land apart from the buildings or fixtures thereon, and one-twentieth of one per cent. of the value of the buildings and fixtures.

(3) Where the sum to be paid under the foregoing provision does not amount to $1 the amount payable shall be $1.

(4) Subject to the rules money payable under subsections 2 and 3 shall be paid into Court, with the privity of the Accountant of the Supreme Court, and shall be placed to the credit of an account to be intituled “Assurance Fund under the Land Titles Act,” and, subject to the provision of
subsection 5, shall be invested from time to time under the direction of the Court, and the interest or income derived therefrom shall be credited to the same account.

(5) All money paid under this section and in Court at the credit of the “Assurance Fund” and all money hereafter payable under this section shall, on his demand, be paid to the Treasurer of Ontario.

(6) Where the amount to be paid into the assurance fund is not more than $10 no fee shall be payable for a direction to the bank to receive the same, and where such amount is payable in respect of a proceeding before a Local Master of Titles the person desiring to pay the same may, at his own risk, transmit the amount by a money order, payable to “The Accountant of the Supreme Court at Toronto,” in a registered letter addressed to the Accountant, together with a requisition in the prescribed form.

(7) Subject to the rules the value of the land shall be ascertained by the oath of the applicant unless the proper Master of Titles dispenses therewith.

(8) Subject to the rules, if the oath of the applicant is dispensed with, or if the Master is not satisfied as to the correctness of the value stated by the oath of the applicant or of any other person, he may require the affidavit or certificate in that behalf of a sworn valuator; and such affidavit or certificate shall be conclusive.

(9) The expense of obtaining such valuation or certificate as allowed by the Master shall be paid to the Master by the registered owner before any dealing with the land is registered.

(10) The Master may require any applicant for registration to indemnify the Assurance Fund against loss by a bond or covenant to His Majesty, either with or without sureties, or by such other security as he considers expedient.

(11) It shall not be necessary that the assurance fees payable on first registration be then paid, but if not then paid the same shall be a charge on the land, and the amount with interest at 5 per cent. compounded annually shall be stated in the entry of ownership to be a charge on the land, and no subsequent transfer or charge of the land or any transmission thereof, or of any part thereof, shall be registered, except as is in this section provided, until the amount of such charge shall have been paid into the Assurance Fund and proper proof of such payment furnished to the Master, but this subsection shall not apply to cases coming within subsection 12.

(12) In the case of land situate in any of the Provisional Judicial Districts where the letters patent or a certified copy of the order in council granting the land has been forwarded to the Local Master of Titles for the purpose of registration.
and the amount payable into the Assurance Fund is not paid, a note shall be made on the register and on the certificate that the land is liable to pay the assurance fee, and no subsequent transfer or charge of the land or transmission thereof shall be registered until such assurance fee, namely, a sum equal to one-fourth of one per cent. of the value at the time of payment of the land apart from the buildings or fixtures and one-tenth of one per cent. of the value of the buildings erected on or affixed thereto before the first registration thereof, but not in any case less than one dollar in respect of any parcel, is paid.

(13) Where land is sold for taxes, or upon the winding up of a company, or under execution, or under the order of a Court, the Master may register the new immediate ownership subject to such charge, and where part of a parcel is so sold or is expropriated he may, upon proof of payment of the proportion of such assurance fund charge which he deems to be fairly attributable to the part so sold or expropriated, note in the register the fact of such payment in respect of the land so sold or expropriated and enter that part as free of the charge.

(14) Where land exceeding 400 acres is entered in one parcel the Master, upon a transfer of part of such parcel, may, in like manner, allow payment of a proportionate part of the assurance fees and enter the part transferred free of the charge. 1 Geo. V. c. 28, s. 123.

124.—(1) Any person wrongfully deprived of land, or of some estate or interest therein, by reason of the land being brought under this Act, or by reason of some other person being registered as owner through fraud or by reason of any misdescription, omission or other error in any certificate of ownership or charge, or in any entry on the register, shall be entitled to recover what is just, by way of compensation or damages, from the person on whose application the erroneous registration was made, or who acquired the title through the fraud or error.

(2) Subsection 1 shall not render liable any purchaser or mortgagee in good faith for valuable consideration by reason of the vendor or mortgagor having been registered as owner through fraud or error, or having derived title from or through a person registered as owner through fraud or error, whether the fraud or error consists in a wrong description of the property or otherwise.

(3) If the person so wrongfully deprived is unable by such means or otherwise to recover just compensation for his loss he shall be entitled to have the same paid out of the assurance fund, so far as the fund may be sufficient for that purpose having reference to other charges thereon, if the application is made within six years from the time of having been
so deprived; or, in the case of a person under the disability of infancy, lunacy or unsoundness of mind, within six years from the date at which the disability ceased.

(4) The liability of the fund for compensation and the amount of compensation shall, subject to appeal as in other cases, be determined by the Inspector, unless the Court or the Inspector on application directs some other way of ascertaining and determining the same.

(5) The costs of the proceedings shall be in the discretion of the Court or of the Inspector.

(6) Any sum paid out of the assurance fund may afterwards, for the benefit of the fund, be recovered by action in the name of the Inspector from the person on whose application the erroneous registration was made or who acquired the title through the fraud or error or from his estate, and the Inspector's certificate of the payment out of the assurance fund shall be sufficient proof of the debt, but where the erroneous registration was made or the title acquired by mere error and without fraud, credit shall be given for any sum which such person may have paid into the assurance fund in respect of such land.

(7) Where a registered disposition would, if unregistered, be absolutely void, or where the effect of the error would be to deprive a person of land of which he is in possession, or in receipt of the rents and profits, the Inspector may, in the first instance or after a reference to the Court, direct the rectification of the register, and in case of such rectification the person suffering by the rectification shall be entitled to the compensation provided for by this section. 1 Geo. V. c. 28, s. 124.

125.—(1) Where any person makes a claim upon the assurance fund for compensation in respect of land patented as mining land or in respect of any land the chief value of which consists in the ores, mines or minerals therein, and it appears that such person is entitled to recover in respect of such land or of some interest therein, in determining the amount of compensation to be paid to such person the entire value of the land shall not be taken at a greater sum than eight hundred times the amount of the fees paid into the assurance fund in respect of the land, either in the first instance or under the provisions of section 126.

(2) Where such fees or some part thereof were paid into the fund in respect of other land in addition to that for which a claim is so made without it appearing what amount was paid in respect of the particular parcel of land with reference to which the claim is made, the fees so paid, or the portion thereof as to which the fact may not appear to be otherwise, shall be deemed to have been paid pro rata in

...
accordance with the acreage or other superficial contents of the whole parcel or of the various parcels in respect of which the fees were paid. 1 Geo. V. c. 28, s. 125.

126.—(1) Where any person taking a transfer or charge of any land, coming within the provisions of the next preceding section, is of the opinion that a value to be determined under such section would not furnish a fair basis for compensation in case of loss he may, with the privy of the proper Master of Titles, pay into Court to the credit of the assurance fund such further sum as shall, with the amount previously paid into the assurance fund in respect of such land, make up one-fourth of one per cent. of the value of the land at the time of making the payment, such value to be determined in the manner provided by section 123.

(2) No such additional payment shall be made, except by special leave of the Master, unless the same is made within three months after the registration of the transfer or charge under which such person claims.

(3) No such payment shall affect the valuation of the land where the error which gives the right to compensation was committed before such payment was made.

(4) Where any additional payment is made under this section the Master shall enter a memorandum of the particulars thereof in the margin of the entry of ownership, and shall in such entry show the total amount which has been paid into the fund in respect of such land. 1 Geo. V. c. 28, s. 126.

127.—(1) No person shall be entitled to recover out of the assurance fund any compensation where

(a) The claim is founded upon a right existing at the time of the first registration of the land and the state of the title of the land at that time was such that the person who was first registered, or the person on whose nomination or authorization such registration was made by a duly registered conveyance could have conferred, as against the claimant, a valid title to a purchaser in good faith for valuable consideration without notice of any defect in the title; and no sufficient caution had been registered and was in force when the application for first registration was made or a patent was forwarded for registration and the proper Master of Titles had not actual notice of the defect prior to the first registration;

(b) The claimant, by direction of the Master or in accordance with the practice of the office, had been served with a notice of the proceedings being had in the office, whether such proceedings were prior or sub-
sequent to first registration, and failed to appear in accordance with the requirements of the notice; or if the Master had adjudicated against him and he had failed to prosecute successfully an appeal against the Master's decision;

(c) The claimant has caused or substantially contributed to the loss by his act, neglect or default and the omission to register a sufficient caution, notice, inhibition or restriction to protect a mortgage by deposit or other equitable interest or any unregistered right, or other equitable interest or any unregistered interest or equity created under section 68 or otherwise shall be deemed neglect within the meaning of this clause.

(2) In this section "Claimant" shall include the person actually making the claim and any person through whom he claims who he alleges was wrongfully deprived of land or of some estate or interest therein. 1 Geo. V. c. 28, s. 127.

128.—(1) The Treasurer of Ontario, on receipt of the money paid to him under subsection 5 of section 123, shall issue to the Accountant of the Supreme Court in trust Ontario Government Stock to an amount equal to the sum so received, and such stock shall represent the assurance fund and be available for the same purposes.

(2) The stock shall be payable or redeemable at such time and shall be subject to such conditions as to inscription, registration and transfer as the Lieutenant-Governor in Council may deem advisable, and shall bear interest at the rate of two and one-half per centum per annum.

(3) The stock, together with the interest thereon, shall be charged upon and paid out of the Consolidated Revenue Fund.

(4) All sums which become payable out of the assurance fund shall to the extent, but not exceeding the amount, of such fund be paid by the Treasurer of Ontario to the persons entitled thereto, out of the Consolidated Revenue Fund, on the production of an order of the Court or a Judge authorizing or directing the payment to be made or of a certified copy thereof, and the sums so paid out shall be credited as payments on account of the stock in the hands of the Accountant, and the amount thereof shall be reduced accordingly. 1 Geo. V. c. 28, s. 128.

WITHDRAWING LAND FROM THE REGISTRY.

129.—(1) Where, after land has been registered, special circumstances appear or subsequently arise which make it inexpedient that the land should continue under this Act the owner may apply in the prescribed manner to the proper Master of Titles for the withdrawal of the land from the Act.
Chap. 126. LAND TITLES. Sec. 129 (2).

Certificate by Master.

(2) If the owner proves before the Master that all persons interested in the land proposed to be withdrawn consent to its withdrawal and satisfies the Master that special circumstances exist which render the withdrawal of such land or a part thereof expedient the Master may issue his certificate describing the land or such part thereof as the consent covers and as the Master deems proper in such a manner that the certificate can be properly registered in the registry office for the registry division in which the land is situate, and upon the certificate being issued this Act shall cease to apply to the land described therein, and the land shall thereafter be subject to the ordinary laws relating to real estate and to the registry laws.

Certificate to be countersigned by Inspector.

(3) The certificate of a Local Master under this section shall not be valid unless approved and countersigned by the Inspector.

Registration of certificate.

(4) Upon the production of the certificate to the registrar of deeds and payment of a fee of $1 the same shall be duly registered.

Application of section.

(5) This section shall not apply to land registered under section 159. 1 Geo. V. c. 28, s. 129.

ADMINISTRATION AND MISCELLANEOUS.

Office of Land Registry.

130. There shall be a seal for every office of Land Titles. 1 Geo. V. c. 28, s. 130.

131. The Inspector shall prepare and cause to be printed and promulgated such forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act. 1 Geo. V. c. 28, s. 131.

132. The proper Master of Titles, or any officer of the office of Land Titles authorized by him in writing, or any person authorized for a like purpose under The Registry Act, may administer an oath for any of the purposes of this Act. 1 Geo. V. c. 28, s. 132.

133.—(1) The proper Master of Titles in any application made to him may act upon depositions or examinations taken before any of the special examiners appointed by the Court, who may administer the requisite oath to any person whose deposition or cross-examination the Master has requested such examiner to take, and any such deposition or examination may be taken in shorthand, and any viva voce evidence given before the Master may be taken down by a sworn shorthand writer if the examining party so desires.
(2) The Master may name the witnesses to be examined or he may request the examiner to take the examination of all witnesses produced by any named person or persons or of any class of witnesses. 1 Geo. V. c. 28, s. 133.

134.—(1) The proper Master of Titles, by summons under the seal of his office, may require the attendance of all such persons as he may think fit in any application made to him, and may in the summons require any person to produce for inspection any document, deed, instrument or evidence of title to the production of which the applicant or any trustee for him is entitled.

(2) He may also, by a like summons, require any person to require having the custody of any map, plan, or book made or kept in pursuance of any Statute to produce such map, plan, or book for his inspection.

(3) He may examine upon oath any person appearing before him, and he may allow to every person summoned by him reasonable charges for his attendance.

(4) Any charges allowed by the Master under this section shall be deemed to be charges incurred in or about proceedings for registration of land and may be dealt with accordingly.

(5) If any person disobeys any order of the Master made under this section the Master may certify such disobedience of orders of Master to the Court, and thereupon such person may be punished by the Court in the same manner as if the order were the order of the Court.

(6) If any person, after the delivery to him of the summons or of a copy thereof, wilfully neglects or refuses to attend in pursuance of the summons or to produce such map, deed, instrument, evidence of title, plan, book or other document or to answer upon oath or otherwise such questions as may be lawfully put to him by the Master he shall incur a penalty not exceeding $50, recoverable under The Ontario Summary Convictions Act.

(7) No person shall be required to attend in obedience to any summons, or to produce documents unless the fees and allowances for his attendance in accordance with the tariff of the Court are paid or tendered to him. 1 Geo. V. c. 28, s. 134.

135. The treasurer of the proper municipality, upon payment of the fee prescribed by section 136 of The Assessment Act, shall furnish to any person requiring the same in respect of land registered or with reference to which an application for registration is pending, a certificate of payment of taxes, charges, rates and assessments, in the prescribed form, or in a form as nearly corresponding thereto as the information given by his books of office will allow, and the certificate shall be binding upon the municipality. 1 Geo. V. c. 28, s. 135.
136.—(1) In case of the illness or absence of the Master of Titles or of a Local Master, or for any other cause, the Lieutenant-Governor in Council may appoint a person 'to act as the Deputy pro tempore of the Master or Local Master, and such Deputy, while so acting, shall have all the powers of the Master or Local Master for whom he is appointed Deputy.

(2) A person may be appointed under this section who shall have power to act from time to time.

(3) In case of the death of a Master the deputy may act until his authority is revoked or a Master is appointed and assumes the duties of his office. 1 Geo. V, c. 28, s. 136.

Right to Inspect Registry.

137. Subject to such regulations and exceptions, and to the payment of such sums as may be fixed by general rules, any person registered as owner of any land or charge and any person authorized by any such owner, or by an order of the Court, or by general rule, but no other person, may inspect and make copies of and extracts from any document in the custody of the proper Master of Titles relating to such land or charge. 1 Geo. V. c. 28, s. 137.

Rules.

138. The Lieutenant-Governor in Council, or the Judges of the Supreme Court, under the authority of sections 109 and 110 of The Judicature Act, which are to be read as applying to this Act, may make General Rules in respect of

(a) The mode in which the register is to be made and kept;

(b) The forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings or in connection with the registration, and in particular with respect to the reference to counsel of any title to land proposed to be registered with an absolute title;

(c) The custody of any instruments coming into an office of land titles, with power to direct the destruction of any of them where they have become altogether superseded by entries on the register or have ceased to have any effect;

(d) The duties which are to be performed by the Master of Titles, the Local Masters and other officers employed; and what acts of the Master may be done by other officers;
(e) The costs to be charged by solicitors in or incidental to or consequential on the registration of land, or any other matter required to be done for the purpose of carrying this Act into execution, with power to require such costs to be payable by commission, percentage, or otherwise, and to bear a certain proportion to the value of the land registered, or to be determined on such other principle as may be thought expedient;

(f) The taxation of such costs and the persons by whom such costs are to be paid;

(g) Any matter by this Act directed or authorized to be prescribed;

(h) Any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be deemed expedient to make rules for the purpose of carrying this Act into execution.

(2) Rules may be made in like manner with respect to the amount of fees payable under this Act, and regard may be had,

(a) In the case of the registration of land or of any transfer of land on the occasion of a sale,—to the value of the land, as determined by the amount of purchase money; or to the value of it to be ascertained in such manner as may be prescribed;

(b) In the case of registration of a charge or of any transfer of a charge,—to the amount of such charge. 1 Geo. V. c. 28, s. 138.

139.—(1) Subject to the rules the fees payable in respect of such business as is analogous to the business under The Registry Act shall be the same as the fees payable to the Registrar under that Act; and all other fees and costs, whether in respect of business done by the Master of Titles, Local Master of Titles or by other officers, or by solicitors under this Act, shall be the same as nearly as may be are payable in like proceedings in the Supreme Court.

(2) The stamps for all fees payable on a certificate of ownership or a certificate of charge shall be affixed to the registered transfer or charge and not to the certificate, and all stamps payable in respect of registration shall be affixed to the instruments registered and not to the entry on the register. 1 Geo. V. c. 28, s. 139.

Appeals.

140. Except as provided by section 110 an appeal shall lie from any act, order, or decision of the Master of Titles or a Local Master of Titles under this Act to a Judge of the High Court Division and from him to a Divisional Court. 1 Geo. V. c. 28, s. 140.
141. Any person affected by an order made under this Act by a Judge of the High Court Division may appeal from him to a Divisional Court within the prescribed time, and subject to the rules in like manner as in the case of other appeals to that Court. 1 Geo. V. c. 28, s. 141.

Errors in Proceedings.

142. No application, order, affidavit, certificate, registration or other proceedings shall be invalid by reason of any mistake not affecting the substantial justice of the proceeding. 1 Geo. V. c. 28, s. 142.

Oath of Office and Security by Officers.

143.—(1) The Master of Titles, before he enters upon the duties of his office, shall take and subscribe before a Judge of the Supreme Court the oath of office in the form following:—

I, A.B., do solemnly swear that I will faithfully, and to the best of my ability, perform the duties of the office of Master of Titles.

(2) Every Local Master of Titles and every Deputy of the Master of Titles or of a Local Master, before he enters upon the duties of his office, shall take and subscribe an oath of office similar to that required to be taken by the Master of Titles.

(3) In the case of a Local Master or of a Deputy of a Local Master, the oath may be taken before a Judge of the County or District Court.

(4) The oaths of office shall be transmitted to the Provincial Secretary. 1 Geo. V. c. 28, s. 143.

144. Before the Master of Titles or a Local Master of Titles enters upon the duties of his office he shall furnish security in accordance with the provisions of The Public Officers’ Act. 1 Geo. V. c. 28, s. 144.

Masters or Officers not to act as Agents for Investors.

145.—(1) No Master of Titles, officer or clerk appointed under this Act, shall, directly or indirectly, act as the agent of any corporation, society, company, or person investing money and taking securities on land, or advise for any fee or reward, or otherwise, upon titles to land, or practise as a conveyancer or carry on or transact within the office any business or occupation other than his duties as such Master, officer or clerk, or as holder of some other office under the Government of Ontario.
(2) This section shall apply to every Local Master, but as applied to him, and the officers and clerks in his office, the word "land" shall mean land within the county, city, town or district for which he is Local Master. 1 Geo. V. c. 28, s. 145.

EXTENSION OF ACT TO OTHER LOCALITIES AND EXPENSES.

146.—(1) The municipal council of a county, or of a city or town separated from the county for municipal purposes, may pass a by-law declaring it expedient that the provisions of this Act be extended to the county, city or town.

(2) The municipal corporations of the County of York and City of Toronto and of any county, city or town which has passed or shall pass a by-law under subsection 1 shall provide proper fire-proof and other accommodation for an office of Land Titles; and, so far as the expenses of the office are not covered by the fees collected thereat, the corporation shall pay the same, including the salary of the Master of Titles of the locality, and all necessary and proper books, stationery, furniture, and lighting, cleaning and heating of the office, and attendance, and other matters and things incident to the proper conduct of the business of the office.

(3) Where this Act is extended to a county which includes a city or town separated from the county for municipal purposes, the city or town and county shall share the expenses to be borne by the locality under this Act, in such proportions as may be determined by arbitration under The Municipal Act, in case the councils interested do not agree in respect thereto.

(4) Where such a by-law has been passed and proper accommodation has been provided either in connection with the registry office or at some other convenient place to the satisfaction of the Inspector, and approved by the Lieutenant-Governor in Council, the Lieutenant-Governor may, by his proclamation, extend the operation of this Act to such county, city or town from a day to be named in the proclamation.

(5) The fact of the conditions precedent to the issue of such proclamation having been performed shall be conclusively established by the issue of the proclamation. 1 Geo. V. c. 128, s. 146.

147.—(1) Where not less than twenty ratepayers of any county in which is situate a city or a town to which the provisions of this Act have been extended, who are owners of land situate in such county of the aggregate assessed value of $400,000, petition the Lieutenant-Governor in Council for the issue of a proclamation extending the provisions of this Act to the county, and the Lieutenant-Governor in Council
Where Local Master to be entitled to a salary.

(2) In the cases provided for by subsection 1 the Local Master shall not be entitled to be paid a salary, unless the county council passes a resolution for the payment to him of a salary to be provided by the county, but such Local Master shall be entitled to retain for his own use the fees collected upon proceedings in his office.

Expenses of introduction of system, by whom to be paid.

(3) All costs and expenses incurred in introducing the Land Titles system into the county, or incurred during one year thereafter in connection therewith, shall be paid by the petitioners.

Non-resident owners to be deemed ratepayers.

(4) The owners of land which is assessed as land of non-residents shall be deemed ratepayers within the meaning of this section. 1 Geo. V. c. 28, s. 147.

Surplus fees under Rev. Stat. c. 124 to be applied in defraying expenses of Land Titles Office.

148. Where this Act applies to a county, city or town entitled to receive money under sections 101 and 102 of The Registry Act the registrar shall pay to the Treasurer of Ontario, to be applied, so far as necessary, in defraying the salary of the Master and other expenses of the office, the money payable either directly or indirectly to the county, city or town under that Act, and the Treasurer shall pay the balance to the county, city or town; and if the amount so paid to the Treasurer is not sufficient the residue, or if nothing is payable by the registrar, the whole of such salary and expenses shall be made good to the Province by the corporation of the county, city or town. 1 Geo. V. c. 28, s. 148.

LOCAL MASTERS OF TITLES.

149.—(1) Where at the time of the issue of a proclamation under section 146 there is a Referee of Titles, under The Quieting Titles Act, residing in the locality such referee shall ex-officio be the first Local Master of Titles therefor, unless he practises as a barrister or solicitor, or is a Judge of the County Court, and he shall hold the office during the pleasure of the Lieutenant-Governor in Council.

Appointment of Local Masters.

(2) Subject to the provisions of subsection 1 the Lieutenant-Governor in Council may appoint a Master of Titles for any locality in which this Act is in force to be styled “The Local Master of Titles” for the county, city, town or district, as the case may be, who shall hold office during pleasure.

Qualifications.

(3) The person appointed may, in the discretion of the Lieutenant-Governor in Council, be a Judge of a County or District Court, a barrister or solicitor, whether practising or not, or a registrar. 1 Geo. V. c. 28, s. 149 (1-3).
LAND TITLES.

The Local Master of Titles shall be paid by salary or fees for his services in that capacity, such salary to be fixed by the Lieutenant-Governor in Council from time to time, with reference to the amount or probable amount of the business, on the report of the Inspector and shall be paid for his services in entering patents under sections 159 to 162 such sum as the Lieutenant-Governor in Council shall direct. 1 Geo. V. c. 28, s. 149 (4); 2 Geo. V. c. 24, s. 4.

The Order in Council shall be laid before the Assembly as provided in respect of Orders in Council under section 100 of The Judicature Act.

The Lieutenant-Governor in Council may commute the fees payable to a Registrar of Deeds or Local Master of Titles in any county or district whether both offices are held by one officer or otherwise for a fixed sum each year, provided that such sum shall not exceed the income which such Registrar or Local Master would have derived from fees during such year, and the fees so commuted shall, on or before the 15th day of January in each year, be paid over to the Treasurer of Ontario in the case of a district for the use of the Province, and in the case of a county or city shall be subject to such division between such county or city and the Province as the Lieutenant-Governor in Council may direct.

Where such Registrar or Local Master holds office for part of a year he or his executors or administrators shall be entitled to the just proportion of such commuted fixed sum. 1 Geo. V. c. 28, s. 149 (5-7).

DUTIES AND POWERS OF LOCAL MASTERS.

Except where otherwise provided by this Act every Local Master of Titles, in respect to land situate within the territory for which he is appointed, shall have all the authority of and perform all the duties which, in the County of York, are performed by the Master of Titles, subject to appeal in the same manner. 1 Geo. V. c. 28, s. 150.

First Registration.

(1) If, upon an application for first registration, the Local Master of Titles finds that the applicant or his nominee is entitled to be registered he shall sign a memorandum to that effect at the foot of the application and shall transmit the same to the Inspector, with the deeds, evidence and other papers before him, and a draft of the entry of ownership proposed to be made.

(2) If the Inspector concurs in the opinion of the Local Master he shall approve thereof and shall return the papers transmitted to him, and the Local Master may thereupon register the applicant or his nominee as owner.
(3) If the Inspector does not concur in the opinion of the Local Master he shall communicate his opinion to the Local Master and shall cause such action to be taken as he deems expedient, and if his objections are not removed by explanations or additional evidence the applicant or his nominee shall not be registered unless the Court on appeal, or on a case stated for its opinion, otherwise directs.

(4) If there is a contest upon the decision of the Inspector concurring in the Local Master's opinion registration shall be delayed for ten days to enable anyone who so desires to appeal. 1 Geo. V. c. 28, s. 151.

152. Until an Inspector is appointed applications for first registration in the Provisional Judicial Districts not coming within sections 159, 160 and 162 shall be made to the Master of Titles and not to the Local Master for the district, and upon the Master of Titles finding that an applicant is entitled to be registered he shall issue his certificate to that effect to the Local Master who shall thereupon register the land in accordance with the terms of such certificate. 1 Geo. V. c. 28, s. 152.

153. Sections 151 and 152 shall not apply to applications coming within sections 159, 160 and 162, or to applications for a possessory title, or for the registration of leasehold land where the freehold or other estate out of which the lease is derived is registered land, or where a declaration of the title of the lessor to grant the lease is not required. 1 Geo. V. c. 28, s. 153.

154.—(1) Where an application is made under section 152 the Master of Titles may request the registrar of the registry division in which the land lies to transmit by registered post, or by express, any instrument appearing on the abstract, or required in connection with the application, which the Master desires to examine.

(2) The registrar shall comply with such request and shall, with such documents, send a list of all the documents transmitted and shall retain a copy of the list.

(3) The Master shall return the documents, as soon as practicable, by registered post or by express, sending therewith to the registrar a list of all the documents so returned and keeping a copy of the list.

(4) The registrar, in addition to his usual fees for the production of a document, shall be entitled to an additional fee of ten cents for each document transmitted as compensation for his trouble in respect of such transmission, the preparation of the list and returning the documents to their proper files. 1 Geo. V. c. 28, s. 154.
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Subsequent Registration.

155. If, on the application for the registration of an instrument after a first registration or for the registration of a transmission, the Local Master of Titles is unable to come to a clear conclusion as to the action which he should take he shall delay making the required entry until he has stated the facts to the Inspector for his opinion, and in submitting the case the Local Master shall state his own view and his reasons therefor. 1 Geo. V. c. 28, s. 155.

INSPECTOR OF OFFICES OF LAND TITLES.

156.—(1) The Lieutenant-Governor in Council may appoint an officer to be called "The Inspector of Land Titles" or "The Inspector of Offices.

(2) The Inspector shall, subject to the rules, have the like duties, powers and duties as an Inspector under The Quieting Titles' Act, and as an Inspector under The Registry Act, respectively, and such other duties as may be required of him by the rules, or as he may be required by the Lieutenant-Governor in Council to perform.

(3) The salary of the Inspector, his travelling expenses, and salary, all expenses of and incidental to his office shall be paid by the Province, and shall be repaid to the Treasurer of Ontario by the corporations of the localities in which this Act is from time to time in operation in such proportions as, after a report from the Inspector, the Lieutenant-Governor in Council may determine. 1 Geo. V. c. 28, s. 156.

157. Until an Inspector is appointed the duties of the Inspector shall be performed by the Master of Titles or by some other person authorized by the Lieutenant-Governor in Council, and the expenses of and incidental thereto shall, in like manner as is hereinafore provided, be repaid to the Treasurer. 1 Geo. V. c. 28, s. 157.

158. In all matters decided by the Inspector which are of like character as matters over which the Master of Titles has jurisdiction in the County of York an appeal shall lie from any act, order or decision of the Inspector to a Judge of the Supreme Court, and from him to a Divisional Court. 1 Geo. V. c. 28, s. 158.

REGISTRATION OF NEWLY PATENTED LANDS IN DISTRICTS.

159.—(1) Where any land situate in a Provisional Judicial District is granted by letters patent or by order of the Lieutenant-Governor in Council the letters patent or a certified copy of the Order in Council shall be forwarded to the Local Master of Titles of the District for the purpose of the grantee being entered as the first registered owner of the land, with any necessary qualifications.
(2) Subsection 1 shall not apply to land covered with the waters of Lake Huron adjacent to the Great Manitoulin Island, Cockburn Island or Fitzwilliam Island, in the District of Manitoulin, or adjacent to any island which, in whole or in part, lies between headland and headland around such three Islands.

(3) It shall not be necessary to issue a notice in respect of a caution or adverse claim which has been lodged if, by the certificate of the Minister or Deputy Minister of Lands, Forests and Mines, it appears that the claim in respect of which such caution or adverse claim was lodged was considered by the Minister and disposed of before the issue of the patent; and if before the receipt of such a certificate any proceedings have been taken by a Local Master in respect of such caution or adverse claim he shall thereupon discontinue the same and disallow any objection or claim founded thereon and make such order as to costs as he deems just.

(4) Where there is no contest as to the rights of the parties the Local Master may make the requisite entry and issue his certificate; but in case of a contest he shall transmit the papers to the Inspectors before registering the patentee as owner, and shall otherwise proceed as provided in section 151.

(5) Where the cautioner consents to the registration of the patentee the Local Master need not issue any notice on account of such caution.

(6) Letters Patent from the Crown demising land or mining rights for a term of years, or for any greater estate, granted on or after the 31st day of December, 1887, shall be deemed to have been and to be within the provisions of this section. 1 Geo. V. c. 28, s. 159.

160. Where land situate in a Provisional Judicial District has been patented by the Government of Canada the Local Master of Titles shall have authority to register the patentee as owner of such land and may do so without submitting his finding upon the application to the Inspector for his concurrence. 1 Geo. V. c. 28, s. 160.

161.—(1) Upon an entry of ownership being made the Local Master of Titles shall, in the prescribed form, notify the sheriff in whose bailiwick the land lies of the entry of the patentee as owner.

(2) The notice shall be sent by registered post, and no entry of any dealings with the land shall be made in the register until fourteen days after the mailing of the notice, unless proof is previously made that the land is not liable to any execution.
The sheriff, upon receipt of the notice, shall forthwith transmit to the Local Master a copy of any execution in his hands affecting the land of the patentee, and if within the fourteen days no copy of an execution against the land of the patentee is received from the sheriff, the Local Master may assume that the land is not subject to any execution and may enter subsequent dealings with the land accordingly; and as against such entry no claim shall afterwards be sustained in respect of an execution against the patentee.

Where the Local Master receives from the sheriff a copy of an execution affecting the land an entry thereof shall be made against the land and all dealings with it shall be subject to such execution. 1 Geo. V. c. 28, s. 161.

Where a patent for land is forwarded to a Local Master of Titles, under section 159, and it is made to appear to him that the patentee since the date of the patent has transferred the land to some other person the transferee, or in case of a further transfer or transfers the ultimate transferee of the land, shall be entered as the first registered owner and shall be described as the transferee of the patentee or otherwise according to the fact.

Before entering a transferee as first registered owner the Local Master shall require evidence to be produced showing that there is no execution affecting the land. 1 Geo. V. c. 28, s. 162.

Where notices or other proceedings are necessary the Local Master shall be entitled to charge in addition to his disbursements the like fees as are payable to the Master of Titles in respect of similar proceedings. 1 Geo. V. c. 28, s. 163; 3-4 Geo. V. c. 18, s. 27 (3).