

# "REGISTRATION OF TITLES' ACT, U. C."

## FEES UNDER THE OLD AND PRESENT ACT COMPARED.

It would appear that there are two or three erroneous opinions prevailing in the community relative to the new Registry Act, which should be dispelled.

The first is, that the law was specially introduced for the purpose of increasing the Registrar's fees. There could not be anything more fallacious than this. The new Act was not passed either for the purpose of increasing or reducing the Registrar's fees, although the latter has been the result, notwithstanding it was never contended that they were too high. The real intention of the new law was to secure the registration of the whole instrument instead of the memorial only, as directed under the old law, and this for the best of reasons: that formerly when the memorial was registered, many important clauses, especially in trust deeds and mortgages, were omitted, so that parties searching in the Registry office for titles, instead of getting all the information they required, were only able to obtain a part, the balance they were left to secure as best they could. This want is supplied by the new Registry Act; for now the instrument is copied in full, as is also the affidavit of execution—a change which every owner of property must admit was much required, as it will remove many doubts as to the titles of property, as well as save much litigation. From this it will be seen that the public good was especially in view in framing the new law, instead of that of adding to the Registrar's fees. In short, it is very questionable whether a person could now be found who, for the security of himself and his heirs, would not prefer to have his deed recorded in full, instead of the meagre memorial as heretofore.

The second error which seems to prevail is, that the new law increases the Registrar's fees. This is also incorrect, and cannot be supported by proof, if the additional labor of copying the whole deed imposed upon the Registrar is taken into consideration. Here let us draw a comparison between the old and new law:—Under the old law, memorials averaged from 400 to 500 words, for which the Registrar received \$1.25 each; under the present law for registering deeds in full of 900 words, they only receive \$1.30, or five cents additional for double the work.—Searches under the old Act were five for fifty cents; under the new Act thirty cents, and so on proportionately. For copies of instruments or extracts therefrom, under the old Act, 15c. per folio; for the same under the new Act, 10c. Exhibiting memorials under the old Act, 25c.; under the new Act, 10c. Abstracts of title under the old Act figures were counted as words at 15c. per folio; under the new, a number, although composed of several figures, is only counted as one word. For filing of plans and making indices of the same under the old Act when under 800 words, was \$1.25, and 12½c. for each additional folio; under the new only \$1 is allowed therefor, although it may exceed 800 words. For recording certificates—excepting certificates of payment of taxes—50c. under each Act; the shortest of these containing about 500 words, some fully 700, and over that. To complete the registration of the certificate of a discharge of mortgage, it must be entered into four distinct books, besides involving the duty of searching the records as to the lands mentioned in the mortgage for the purpose of entering the certificate under the proper heading in the abstract index—all this work has to be done for the paltry sum of 50c. Under the old Act all that was required to be done to complete the registration of a discharge of mortgage was to enter the certificate in the margin opposite the mortgage, a saving of threefold the labor imposed under the new Act, and for which they received the same fee.

It is really astonishing that in the face of these facts, which cannot be successfully refuted, that parties are to be found who will assert that the Registrar's fees are increased. On the contrary, it will be seen at a glance that under the new Act they have been materially reduced, and that should any further reduction take place, very great injustice would be done to a class of public servants that have the most laborious and tread-mill duties to perform—duties that involve very great responsibilities. It should also be borne in mind that Registrars are necessarily compelled to keep Deputies; and if they are properly qualified for such position they should be paid remunerative salaries. When this item is deducted, along with other unavoidable expenses, from the proceeds of many of the offices in the Province, the sum realized by the Registrars would be exceedingly small. So much so would this be the case, that few men sufficiently competent and responsible to occupy the office of Registrar would be found willing to accept it. It should also be remembered, that in order to serve the public within a reasonable time, Registrars now require double the staff that they did under the old Act. This is supported by the fact that if it required two clerks to keep up the work under the old Act, when memorials averaged 450 words, it must necessarily follow that it would take double the number under the new Act, when the average is 900 words. If this be true, and we challenge contradiction, we should like to ask how the Registrar is to find the funds to pay the additional staff, should any further reduction be made in his income.—Then, again, the abstract indices under the new Act are to be made up, which is a most tedious job—involving as it does a great deal of time, labor and expense to Registrars—for the payment of which two thousand dollars is only set apart, although in many of the larger counties this is quite inadequate for the work to be performed, especially when from 45,000 to 80,000 extracts have to be made. This allowance of \$2,000 was arrived at under the supposition that 20,000 entries would be the average number in each County, and the pay per entry was fixed at 10 cents. Comparisons it is said are odious; but in the case of Registrars, we would respectfully invite a comparison, with regard to fees, with any or every official under the crown. Then it would appear which performed the most laborious task for the lesser remuneration.

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REGISTRATION

Registration of  
Letters