

EDITORIAL NOTES.

to 50 bushels to the acre, whereas, Mr. Smith shows, 30 bushels to the acre of the first crop clears all outlay up to that time, returns the capital invested, and leaves a first-rate fenced farm in a high state of cultivation for succeeding agricultural employment. So, even if the farmer has purchased his land with borrowed money, it would apparently only be for the first year that the first income above mentioned would have to be furnished by it.

The English LAND TRANSFER COMMITTEE have, in their recent Report, made a series of recommendations, which, if carried into effect, will cause a revolution in old-fashioned conveyancing, and produce a state of things more similar to that which exists here and in the other Colonies. They have themselves summarised their recommendations, which include the following: (1) The abolition of the present system of paying for conveyances according to the length of the instrument, and the substitution of a graduated *ad valorem* scale of payments; (2) the compulsory use of short statutory forms; (3) the practical abolition of legal mortgages and deeds of reconveyance, by giving to the holder of a simple charge on land all the remedies at present possessed by the holder of a legal mortgage, either with or without a power of sale (as the parties may desire), and by providing that upon the endorsement on the charge of a memorandum signed by the party entitled thereto, stating that all the moneys due thereon had been satisfied, the charge itself, should *ipso facto*, determine; (4) the appointment of a real representative to the deceased owner of land having the same control over, and power to make title to, freeholds, which a personal representative now possesses in regard to chattels real:—this was urged or approved by every

witness examined by the Committee.— (5) The repeal of the Statute of Uses. As to this the Committee report: "Among the various pitfalls for the unwary presented by statutes providing for a state of things which has long since passed away, few have led to more expense or litigation than that stronghold of conveyancing pedantry the Statute of Uses. Your Committee see no reason why it should not at once be repealed." (6) The establishment in England and Wales of district registers of assurances affecting land; (7) the enactment that (except in case of actual fraud on the part of the party registering) every instrument shall rank in priority according to the date of its registration; (8) the localization of the registration of titles, as far as practicable, concurrently with the establishment of district registries for the registration of assurances.

The Committee further report as follows:—

"Your Committee have considered whether the period of commencement of a title which a purchaser under an open contract may require, at present fixed at forty years, might not, in view of the recent Statute of Limitations, be still further shortened. But, as the term in question depends not only upon the time during which claims against land may be kept alive, but upon the estimated duration of human life, during which such claims may remain in abeyance, they believe that such an abridgement cannot be made as long as the rights of reversioners and other persons having future interests are, for the purposes of the Statute, held only to arise when they fall into possession. Whether the latter rule might not be advantageously altered they consider to be a matter for grave consideration." The Committee appear to speak with approval of the Australian system, whereby the title to all land, in-