

## CORRESPONDENCE.—REVIEWS.

in the recent case of *In re Baker, Baker v. Dawbarn*, not yet reported, where one of the proofs was made under an administration order granted under 467 of the Consolidated Orders in Chancery.

Useful summaries of the law on this point, at it stood before the Act of 1869, with reference to the cases, may be found in 1 Archb. Bankruptcy Laws, 673, et seq.; 2 Doria & Macrae Law of Bankruptcy, 831, et seq.; 1 Deacon, Law of Bankruptcy, 845, et seq.

Yours truly,  
S. G. Wood.

Toronto, May, 1872.

[We are indebted to the courtesy of the learned Master of the Court of Chancery for a report of the case of *In re Baker*, referred to by Mr. Wood. We publish it in the present number, as a valuable addition to the learning on the subject referred to.]—Eds. L. J.

## REVIEWS.

REGISTRATION OF WRITTEN INSTRUMENTS AFFECTING TITLE TO REAL ESTATE. By Samuel D. Sowards, LL.D. New York: Baker, Voorhies & Co., 1872.

This is a brief essay of 26 pages, which deals with the subject under three heads. (1) Historical sketch of the recording of written instruments. (2) Defects in the system of recording prevalent in the States. And (3) Proposed plan of improvement. We learn that in the Plymouth Colony conveyances, including mortgages and leases, were required to be recorded as early as 1636. In 1641, Massachusetts, by statute, required all deeds of conveyance, whether absolute or conditional, to be recorded, that "neither creditors might be defrauded nor courts troubled with vexatious suits and endless contentions." This sounds very like a practical anticipation of Cromwell's advice, that the laws should be "plain, short, less chargeable to the people, and for the good of the nation."

According to our author, the great defect in the system is that which was predicted by Lord St. Leonards, (who, by the way is always styled "Lord St. Leonard") viz.: "That the number of deeds requiring registry would destroy the plan by its own weight." The proof he adduces is, that in the Registry

Office of the City of New York, the record of conveyances alone, in the City and County of New York, fills a vast library of nearly twelve hundred books, averaging six hundred pages each, over a foot and a half long by a foot wide, of closely-written registrations, which are the accumulations of the last few years only. Add to this a like number of books containing the registration of incumbrances, and others for powers of attorney and miscellaneous instruments. The consequence is that everything depends on a correct index. If any mistake occurs the holding of the courts is that the false and misleading index is no defence to the person led astray.

One chief means of improvement proposed is the discarding, in conveyancing forms, of all matter which is redundant, inexpressive and useless: As a further mode of simplifying the deed, it should contain the names of the covenants only, and to this end legislative interference is invoked to provide a short statutory form. This, in effect, is just recommending such an amendment of the law as has long been in force in this province by our adoption of the English Acts relating to "Short Forms." No doubt these statutes are open to many objections on the part of the scientific lawyer; and are specially unsuitable to the complicated state of title which is the rule in England. But for practical purposes, and in the light of expediency, these statutes are by no means to be held in contempt, and they really serve suitably almost every purpose in a new country such as ours, where land is more an article of commerce than it is in "the old country."

The other suggestion is that the deeds be not copied *in extenso*, but that the originals be filed, certified copies returned to the holder, and that reference be made to their principal parts in one book for all conveyances and incumbrances. This book is to be so arranged that every parcel of land shall have its separate folio, containing the description of the property and the name of the owner, who, on the principle of mercantile book-keeping, is to be credited with the title he possesses, and charged with the incumbrances thereon. A condensed record would thus be obtained, which would shew at a glance the state of the title, or give, as it were, a bird's eye view of it. It will be seen, again, that this is very much the result which is reached by our pre-