

## THE TORRENS SYSTEM OF LAND TRANSFER.

quieted in Ontario, but with less "red tape." When quieted a certificate is issued to the owner, which is as good as a Patent from the Crown. When the owner wants to sell, he fills out a short transfer, and hands it with the certificate to the purchaser, who takes it to the Registry Office, and surrenders the old certificate, registers the transfer, and receives a new certificate that he is the owner.

Mortgages and leases are effected in the same short and easy style. All the ordinary covenants are implied, and there is a statutory power of sale implied in every mortgage.

As "accidents will arise in the best regulated families," in order to make provision that no person may lose anything by the mistakes of officers in passing defective titles, there has been established in Australia an assurance fund. This fund arises from a charge of one-fifth of one per cent. of the value of land brought under the Act in the first instance, and a succession duty of a like amount. The assurance funds in 1870 in the several colonies amounted to about \$100,000, and the claims had been merely nominal.

One difficulty which presents itself to most lawyers is how the certificate of title is to be adjusted when a testator leaves a complicated will. In Ontario until the law of descent is altered to correspond with law of personal property, as it is in New South Wales, it will be necessary for the person claiming under the will to produce the certificate of title of the testator, and the will. The will is then referred to the Land Commissioners, who certify who is entitled under the will. A *fiat* of a Superior Court Judge is then got confirming such finding when the certificate is issued. The devise may be to a woman for her life, with remainder to children in fee, subject to the payment of legacies. When an intending purchaser sees the certificate, he knows exactly what charges there are against the property, and exactly who is entitled to sell. In more complicated cases, the rights of persons claiming the certificate would have to be established by the Court. Instead of the pre-

sent practice of putting a will on registry, and getting innumerable different opinions as to its construction, and leaving it a festering sore and perplexity to conveyancers for years, every question of ownership is settled before a man's title can be recorded.

I will conclude this brief sketch by a short extract from a report of one of the Australian Registrars to show his opinion of the advantages of the system:—

"This Colony having now been settled for nearly 67 years, the titles to property are in many cases long and intricate, and not a few of these have passed through this office. No great trouble, however, has arisen in dealing with them, and the result of my experience on this point is, that so long as a title is *really sound*, its length or complication is of no great moment, and presents no serious difficulty. I may add that it is precisely in these cases, where a bulky pile of deeds, liable to loss, and utterly unintelligible to the vulgar, entailing lengthy abstracts of title, and heavy law charges upon everyone dealing with the property, are exchanged for a simple certificate of title, that the greatest sense of relief is experienced by the landowner. The ease and expedition with which mortgages, transfers, leases, etc., are effected, constitute one of the greatest advantages of the system. Instead of the slow process of inquiry into the title of the mortgagor or vendor carried on by lawyers, under the old method of conveyancing, instead of the inevitable delay and expense occasioned by furnishing abstracts of title, and by the preparation of long and costly deeds, the whole transaction under the new system can be completed in a few minutes without the aid of legal advice, and at the very trifling expense of the registration fees; in fact, it is an every day occurrence for parties to come to the office, sign the proper forms filled up by the clerk according to their instructions, pay over the purchase money, or the amount lent, there and then at the counter, and walk off with the business completed. It is almost needless to point out what an