

not followed there in that essential particular upon which Sir Robert Torrens dwells more strongly than any other—that is, that the title passes, not by the execution of the deed, but by the registration. In British Columbia, the title passes by the deed, and the registration is a secondary matter, for the purpose of taking precaution only. Those who advocate the Torrens system lay great stress upon the fact that the Torrens system does not recognize trusts in any way. Now, the British Columbia system does recognize trusts. The Registrar-general takes great credit to the system in British Columbia, because it does recognize trusts. Then, the system in British Columbia does not adopt the Torrens short forms of conveyance, and the Registrar-General takes credit for that. He says there is no necessity of adopting short forms, because they have men there who are skilled in conveyancing, and they adopt the English forms with great safety. I do not see, therefore, that the Torrens system is in force in British Columbia, and Sir Robert Torrens himself, and Mr. à Becket and Mr. Maxwell, who makes a report on the subject, for the government of “Straits Settlements,” are all wrong in giving the Torrens system credit for the good results which are claimed to have flowed from it in British Columbia. The good results in that province are not to be attributed to the Torrens system, but to one which is much more akin to that which we have ourselves in this part of the Dominion: that is, a system of registration based on what was originally the American system, or the system in force in the original States of the Union, and now adopted in all of them, I believe. That is the state of the law in the different provinces of the Dominion. In the North-West Territories the law of Ontario was introduced almost verbatim, but the law of Ontario is also the law of the other provinces of which I have spoken—Nova Scotia, New Brunswick and Prince Edward Island, and almost the law of Quebec—the only difference being with respect to the points to which I have attempted to draw attention, so that really the law which exists in the North-West Territories may be said to be that law which is common to the English speaking provinces, and which is almost the same as the law

of the Province of Quebec. In the North-West Territories they have introduced the condition that a deed to be good in the hands of a registered grantee must be a deed without notice of the previous grant. Such being the state of the law it is proposed to introduce into the North-West Territories the Torrens system as one more simple and cheap in its working than that which now obtains. There are some advantages no doubt in the Torrens system, to which I will allude presently; but I am unable to concede to it the surpassing credit which the books I have alluded to give it and which its author attributes to it. I think if anybody in Ontario or Quebec, New Brunswick or Nova Scotia had been visiting New South Wales or any of the Australian colonies, or New Zealand, and had been asked what system we had at home, he would describe with considerable praise our system of registration, our short forms of conveyancing and the implied covenants and those points which have been introduced by statute from time to time in the several provinces and which have made our system of conveyancing and registration much more easy, convenient, short and economical than any system which these gentlemen in Australia and other colonies have ever had to deal with. Having had experience of the English law, and finding what difficulties, expense and inconvenience that system entailed, they were naturally delighted with the Torrens system, because of its simplicity and cheapness. They contrasted it, not with such a system as ours, but with the English system, and in the treatises to which I have referred, the writers speak constantly, not of such a system, but of the English system with its elaborate and antique conveyances and the great expense which the English law entails. They say “Here is a piece of land worth £100, and it costs £50 to convey it from A to B.” Happily, our forms of conveyance have been much simpler. Our registration, however complicated the title may have become, is fairly safe and convenient, and on the whole very easily worked. I think if I had been travelling in any of the Australian colonies, that is about the statement and explanation I would have made of our system in Canada. They were dealing with diffi-