

REAL PROPERTY LIMITATION.

offers made for the stock, and so the action failed. We think we have observed this unnecessary clause about not accepting tenders in advertisements which have been settled under the supervision of Masters of the Court of Chancery. It would be well in this matter to observe the direction of the late Chancellor Vankoughnet, and shorten the advertisement as much as possible.

REAL PROPERTY LIMITATION.

The Legislature in England has taken a step in changing the period of statutory limitation in regard to land which should have long since been initiated in this country. Here, where the rapid growth of village, town and city, the sudden affluence of individuals, the simplicity of titles to real estate, and the frequent transfer of land as an article of commerce, work more radical and extensive changes in half-a-dozen years, than are to be found during a quarter of a century in what we speak of as "The Old Country," here, surely, rather than in England might we have expected to find the passage of an "Act for the *further* limitation of actions and suits relating to real property." Such, however, is the title of an Act passed in England in the last session of the Imperial Parliament, (37 and 38 Vict., cap. 57), although not to come into force till January, 1879.

One of the chief amendments of the law effected by this Statute is the allowance of a period of twelve years for making an entry or distress or bringing an action for the recovery of lands, instead of the present term of twenty years. In cases of disability, the period of ten years from the termination of such disability or death, is shortened to six years. It is further provided that the time limited for making entries, &c., shall in no case be extended by reason of absence beyond seas. As to this alteration we have an-

ticipated English legislation, by the Act passed in 25th Vict., cap. 20, which enacted that no additional time should be given to absentees by reason of their absence from the jurisdiction. This Statute was commented on in *Low v. Morrison*, 14 Gr. 195, and Vankoughnet C. seemed to think that the change was rather too hastily introduced, as only one year was given to absentees within which to avail themselves of an existing disability. By the length of time given in England, before the Statute in question becomes operative, pains have been taken to modify as much as possible the effect of an *ex post facto* law.

Among the other provisions of the English Statute we may notice that the extreme period of limitation is to be thirty instead of forty years. Successive disabilities are provided for, but twelve and six years are respectively substituted for twenty and ten years in the previous Act.

Following this example we observe that the Attorney-General has introduced a bill this session to shorten the periods of limitation in Ontario. Every reasonable facility should be given for the sale and transfer of landed property in a new country like this, and no measure can have a more beneficial tendency to secure such a result than a proper curtailment of the present periods of statutory limitation.

No doubt considerations may be urged against the policy of this change. Persons holding wild lands for speculative purposes will probably object to an act which will cause them to give a little more attention to the utilization of their property. Persons whose maxim is *ne quieta marre* (*anglice* "let well alone"), will fail to see any sufficient reason for disturbing the time-honoured period of twenty years proscription. But twenty years now a days is well-nigh a life-time, and any one who allows another (say a squatter), to remain in undisturbed pos-