

REVIEWS.

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LAW OF INTESTACY OF THE DOMINION OF CANADA.
By J. Armstrong, Q.C., C.M.G., late Chief Justice, St. Lucia, W.I. Montreal: John Lovell & Son, 1885.

We owe an apology to the author of this pamphlet for not noticing it before now. He has done good service in drawing attention to the state of the law of intestacy in the different Provinces of the Dominion. The writer in his introduction quotes approvingly comments made in this journal at different times on the same subject. It will be a surprise to some to be told that the law of intestacy is not the same in any two of the Provinces; and should he desire to see a careful comparison, he cannot do better than examine the excellent summary of these various laws as given in this pamphlet.

It is a matter of more than passing interest to realize the differences referred to. The various sections of this Dominion ought to be growing together. As far as the Province of Quebec is concerned, the grievous error of past days in allowing that Province to retain its peculiar laws and language, thus perpetuating a disturbing influence, cannot easily be rectified, but in the other Provinces a step towards assimilation in the matter referred to would be a move in the right direction.

THE TORRENS SYSTEM OF TRANSFER OF LAND. A practical treatise on the Land Titles Act of 1885, Ontario, and the Real Property Act of 1885, Manitoba, by Herbert C. Jones, Esq., of Osgoode Hall, Barrister, etc. Toronto: Carswell & Co., 26 and 28 Adelaide St. East, 1886.

We can understand how Sir R. R. Torrens, familiar with the very expensive and tedious practice affecting land transfer in England, applied himself to remodelling the mode of declaring title and the transferring of land in Australia, where there was a clean sheet to begin on. In this country the evils have been of no great proportions, and we have not felt very much exercised on the subject. The Torrens system was taken up in this country originally, by persons interested in large companies loaning money on land, doubtless with the thought of facilitating the mortgaging and sale of properties. So far as the Legislature was concerned, it was only natural that it should take a fatherly interest in a system which, at least, appealed to the masses as one likely to save delay and expense

in the sale and transfer of landed property. So far as lawyers are concerned, especially in country places, the Act will not affect them to any great extent, as conveyancing is no longer a distinctive feature of professional business. The question as to whether it is after all desirable that as great facilities should be given to the transfer of land as to the transfer of chattels was not, so far as we remember, discussed; the scheme was popular, and that was sufficient to ensure its immediate adoption. It is scarcely worth while to discuss the question now, but weighty arguments could, we think, be adduced to show that these great facilities are not entirely without serious objection.

So far, no great amount of work has devolved upon the officers appointed to work the Act; but as there is at present some activity in "corner lots" in the neighbourhood of Toronto and a few other cities, the Act will be invoked as an inducement to attract purchasers to properties, which have been bought on speculation for the purpose of being divided into small lots.

The book before us can scarcely be said to be a "practical treatise"; though this is, perhaps, not so much the author's fault as that of the fact that so far there is no practice to refer to, and it would be no light task to imagine or suggest, and then meet, the difficulties that will, we presume, crop up as well in the working of this Act as they have done in all others of a like character. There is much matter given which is of historical interest, and there are appropriate references to various statutes and annotations on similar acts in Australia and elsewhere, as well as to the few cases that have so far been decided under them.

Our author falls foul of the law of dower as something which should be done away with in Ontario, as it has been in Manitoba. In this we agree with him. We cannot, however, for reasons which will be obvious when we state that we write in the "bosom of our family," to say nothing of having drawn a prize, agree with him in the following remarks which we find on p. 138:

"Marriage is a lottery. The man is generally 'taken in,' and is like the fish that swallows the silver trolling spoon. When caught the fish finds he has been fooled, and that he is lying in the bottom of an old boat instead of being free in the St. Lawrence. The man that is fooled in the matrimonial market finds that all his real property is subject to a lien of one-third for dower, and he has to support his wife, or else be called before the police magistrate, and an inquisition entered into to find out why; and that his wife can have all the property she had when married, and all she acquires after, and can dispose of it as she pleases, and so far as the "purposes of this act" are concerned, is a *feme sole*. No wonder there are so few marriages in Toronto."

This is very sad.