

laws which govern the disposition of land at this moment in that part of the Dominion of Canada.

We propose to change them in a very important respect, and I think, therefore, before I inform the House of the change which this Bill will introduce, it will be desirable that I should, for a few moments, refer to the exact system of Registration laws which prevails in the other Provinces of the Dominion at this moment. In all the provinces of the old Dominion of Canada—that is in Nova Scotia, New Brunswick and Ontario, all the English speaking provinces—the same system exists, varied somewhat, by statutory regulations, and varied somewhat perhaps by judicial decisions, but substantially the same; and the same remark could be made with reference to the Province of Prince Edward Island. In the two first provinces I have mentioned, Nova Scotia and New Brunswick, the ordinary form of conveyance which we adopt, and which hon. gentlemen are familiar with, stands good if registered. It stands good if not registered as against any person, save a subsequent grantee who has first registered his deed, and judicial decisions have grafted upon that law in Nova Scotia and New Brunswick the additional condition that the new grantee has not had notice of the first deed. That is the state of the law with reference to registration in Nova Scotia and New Brunswick. In Prince Edward Island they have adopted a different rule, and have said that the first registered deed shall take priority of the previous non-registered deed, even if the grantee had express notice. In Ontario the law has also distinctly enacted, in so many words, that the grantee in the second deed must be without notice of the previous one in order to give him the preference. So that the judicial decisions in New Brunswick and Nova Scotia have made the law parallel to what express enactments have made it in Prince Edward Island and in Ontario. In the Province of Quebec they have gone more in the direction of the system which is called the Torrens system than we have done in any of the English-speaking provinces, because there they have decided that a non-registered deed is cut out by the subsequent registered deed, even if the party has express notice, and they have gone so

far as to decide that a Sheriff's deed registered will cut out a previous non-registered deed made by the execution-debtor. Some of the American cases in which the same point has come up raise this question: How can an execution have any effect against a man's land if the man has already conveyed it away? Although the deed is not registered, there is nothing you can sell. There is strong reasoning in its favour, but in a case in Lower Canada, which has been given to me, they decided that a deed is not really operative so far as concerns the execution-creditor until it has been registered, and that the title so far remains in the original grantor that it can be sold by the Sheriff in the face of a non-registered deed; so that they have gone further than even the English-speaking provinces have gone in the direction in which this Bill points. Now, that is the state of the law with reference to the registration of deeds in the provinces in this part of Canada. The title is conveyed by the execution of the deed by its being sealed and delivered. The registration is a necessary precaution to take against a subsequent grantee, but it does not effect the question of the title being conveyed, save when the two titles come into collision, the one that of the grantee of the deed not registered, the other that of the grantee of the deed registered. In British Columbia the general belief has been, and that belief is shown in many works which I have on my table, amongst others the work of Mr. à Becket on the Torrens System, a lecture by Mr. Torrens who afterwards became Sir Robert Torrens, that the Torrens system is in force in British Columbia; but such is not the case. I have a report from the Registrar-General which shows that the system in British Columbia is not the Torrens system, and I will explain the difference: The Torrens system hinges on this, that a title does not pass until registration, and that the registration is the critical moment at which the title passes from the grantor to the grantee. That is not the system which is in force in British Columbia. In that province the title passes by the execution of the deed, and there, as in this province, the registration is only adopted for the purpose of securing the grantee against subsequent deeds; but the Torrens system is