holders, who being engaged in trade, had frequent occasion to borrow money upon their estate for the purposes of their trade, but for the want of a register found it difficult to give satisfactory security. Similar considerations doubtless suggested the necessity, or at any rate the expediency, of a system of registration in Canada, and led to the adoption of that system under legislative authority; but it is noticeable that while the Statutes of Queen Anne, and that of 8 George II. (relating to Yorks. N. R.) remain yet in force, and have not even been added to or amended in any important particular, the Statute book of Upper Canada has been prolific in amending, explaining, consolidating and repealing enactments relating to this branch of law.

Under the Act of Upper Canada 35 Geo. III. chap. 5, registration was optional with the parties concerned, and no priority was obtained by the registry of a deed unless one memorial had been previously recorded, or in other words, unless the title had already become a registered title. The wording of the act was clear as to this, and in the case of *Doe d. Hennessy* v. *Myers* (*a*) and many subsequent cases (*b*) involving the point, the decisions of the courts recognized and gave full effect to this provision. This state of the law was however found to produce hardship and open the door to fraud, and was eventually altered by stat. 13 & 14 Vict. chap. 63, which provided that after any Patent for land had been issued by the Crown, every conveyance affecting that land, executed after 1st Jan., 1851, should be adjudged fraudulent and void against a subsequent registered purchaser for value, unless such conveyance had been placed on record before that under which the subsequent purchaser claimed. There can be no doubt that such an amendment was necessary in order that the country should enjoy the full benefit of a registry act. Prior to the introduction of that amendment however, not only had two statutory additions to the original act been passed, (*c*) besides enactments for the relief or benefit of particular persons or localities, (*d*) but that act had been repealed, and stat. 9 Vict. chap. 34—which consolidated the previous enactments, and provided for the registry of judgments—been substituted for it. This was followed by the statute of 13 & 14 Vict., which made registration after the granting of the Crown Patent necessary to preserve priority, not only against subsequent registered purchasers but against subsequent registered judgment creditors, saving however the rights of equitable mortgagees as recognized by the Court of Chancery. The

(*a*) 2 U. C. R. (O. S.) 436.

(*b*) See *Doe d. Adkyns* v. *Atkinson*, 4 U. C. R. (O. S.) 140; *Nesbeu* v. *Eastwood*, 4 U. C. Q. B. 271; *Doe d. Ellis* v. *McGill*, 8 U. C. Q. B. 224; *Doe d. Shilley* v. *Waldron*, 2 U. C. C. P. 199; *Scott* v. *McLeod*, 14 U. C. Q. B. 574.

(*c*) 35 Geo. III. c. 5; 4 Will. IV. c. 16.

(*d*) 39 Geo. III. c. 4; 56 Geo. III. c. 19; 10 Geo. IV. c. 6; 3 Will. IV. c. 14.