

amply protected. In the first place, no person who has himself obtained a certificate of title by fraud or evil practice, can set it up against the person whom he has defrauded. If, however, he should succeed in conveying away the property, an innocent purchaser would be protected, but the person who practised the fraud would remain liable to the party defrauded, and in the event of the latter being unable to recover full compensation otherwise, he would be entitled to be indemnified out of a guarantee fund vested in the government. This fund is created by the payment of a small fee, which in Australia was fixed at about one cent for every five dollars of the value of the land registered, and was charged only at the time of its first registration, and upon every devolution of the land by death.

Although this fund was thus provided, all reasonable precautions were taken to prevent frauds, and the granting of certificates erroneously. And so perfect has the system proved, that we find in South Australia in 1876 the fund amounted to £40,000 stg., while the total amount of all claims made upon the fund during the 17 years which the act had been in operation amounted to £300 only. In the other Australian Colonies similar results have been arrived at. The fund therefore must be regarded more as a matter of precaution, than as one which is likely ever to be largely drawn upon. It must be admitted that the principle of a money compensation is far better than our present system, which keeps alive claims upon the land itself, no matter how innocently the present owner may have acquired it, or what consideration he may have given.

#### DEFECTS IN THE PRESENT LAW OF DESCENT AND THEIR REMEDY.

Thus far the principal question we have discussed is that relating to the transfer of land. We now proceed to another and equally important one.

In addition to the introduction of the Torrens system, it has been found by experience in the Australian Colonies, that it is expedient to amend the law of descent of real estate.

Profiting by the experience of others, we should do well also to consider the advisability of at once adopting the amendment which the Australians have found necessary. There is no reason why a man's land should not, on his death, be administered in the same manner as his goods and chattels. If the law of primogeniture were in force in Ontario, any change in the law of descent, in the way of assimilating it with that of personal estate