

THE ACT FOR QUIETING TITLES.—THE THREATENED AGGRESSION.

mentioned in the sixth and seventh sections of the statute.

7th. A schedule of the particulars produced under the six preceding heads.

When deeds are lost the affidavits should contain the same evidence of the loss and contents of the deeds as would be required at a trial at law or hearing in Chancery.

The affidavit as to there having been no sheriff's sale, and indeed all affidavits to be used as evidence, should state how the deponent derived his knowledge.

Where the petitioner's title is derived under a sheriff's sale, the affidavits should give the volume and page of the *Canada Gazette* where the advertisements appear, and the name and dates of the local newspapers in which they were inserted.

The Crown debts can be ascertained by a search in the office of the Clerk of the Crown in the Court of Queen's Bench, at Toronto, and the affidavit should shew that the present owner is not, and that none of the persons (naming them) who had been previously interested in the property was, while so interested, a debtor to the Crown; or should state what Crown debts, if any, affect the property. See Consolidated Statutes of Upper Canada, chapter 5, section 2, the words of which should be followed, viz., that "no copy of any deed, bond, or other instrument whereby, &c., has been registered," &c.

Where the title of the applicant is under a sale for taxes, the affidavits must show that all the requirements of the Consol. Statutes of Upper Canada, 22 Vic. chap. 55, secs. 125 to 131, pp. 675, 676, have been strictly complied with. In such case the Referee does not require the production of the Treasurer's warrant, but is satisfied with an affidavit by a competent person who has examined it, and who states sufficient to satisfy the Referee that it was in due compliance with the statute.

Where parties have information necessary for the applicant, and are unwilling to make an affidavit, a *subpoena ad test.* may be obtained.

It saves both time, trouble and expense, when the solicitor sees that all the proofs are complete in the first instance. If, however, through over-sight, anything be omitted or defective, an opportunity of supplying it is usually afforded by the Referee.

It may, as a general rule, be observed that the evidence required must include as well

what is necessary to be produced by a vendor to a purchaser on a strict investigation of title, as what a purchaser's solicitor should satisfy himself of by searches and enquiries elsewhere, according to the principles laid down for these purposes in the English books of conveyancing. See "Dart on Vendors, caps. 8 & 11, and Sugden on Vendors and Purchasers, last ed." on, caps. 10, 11, 12 & 13.

Where the Referee is satisfied that a good title is shewn, he issues notices for publication. He may also direct notice to be served on any persons whom the state of the title appears to make it expedient to notify.

After these notices have been published and served respectively, if no good cause to the contrary be shewn, the Referee lays the papers before one of the Judges of the court, and if he approve of the Referee's proceeding, a certificate of title is issued, which renders the petitioner's title indefeasible, and is thenceforward conclusive in all courts without further evidence as to title.

The fees payable are as follows:

To the Registrar (fee fund) for filing the petition and for the certificate thereof	\$1 1/2
For entering certificate of title, per folio	0 1/2
Copy for registration in the County Registry Office, per folio	0 1/2
Seal on original and duplicate, each....	0 5/8
To the Referee, per leaf on original and duplicate, each	0 3/4
For each deed, or memorial of deed, in the chain of title	0 5/8
For the certificate of title	2 0/0

In contested cases the Referee is entitled, in addition, in respect of proceedings occasioned by the contest, to the same fees therefor as are payable to the Master or Accountant for the like proceedings in suits.

THE THREATENED AGGRESSION.

That which the Chief Justice of Upper Canada thinks of such moment as to call forth observations from him whilst sitting upon the Bench in discharge of his judicial duties, cannot be out of place for us, as co-conductors of a legal journal, to notice. We therefore make no apology for following in this matter the lead of one whose example may well be followed, whether we look upon his career as a lawyer, as a judge, or as a loyal