

"Registration is notice of the thing registered for the purpose of giving effect to any equity accruing from it, but it can be notice of any given instrument only to those who are reasonably led by the nature of the transaction in which they are engaged to examine the register with respect to it. *Boucher v. Smith*, 9 Grant 347.

"While the act declares that registration shall be notice, it does not provide that notice of an unregistered conveyance shall not affect a registered conveyance or judgment; and we must take it that the Legislature had knowledge of the doctrine of a Court of Equity on this head; and indeed they appear to have had it expressly under consideration, when they declared that registration should be notice. Per Vankoughnet, C., in *Bank of Montreal v. Baker*, 9 Grant 298.

"Registration of an instrument not required to be registered, does not create notice. (*Doe d. Kingston Building Society v. Rainsford*, 10 U. C. Q. B. 236; *Malcolm v. Charlesworth*, 1 Keen 63.)" and again the following, which is the note to section 66:

"This section will produce an important change with respect to the rights and privileges of equitable mortgagees, whose rights, as heretofore recognized in the Court of Chancery, were specially preserved by the late Act; under which, in a case where a mortgage had been created by deposit of title deeds, and the borrower had signed a memorandum stating the sum loaned and times for re-payment, and agreeing to execute a writing to enable the lender to transfer or control the mortgages so deposited, it was held that the memorandum did not require registration to secure its priority over a subsequently registered incumbrance. See *Harrison v. Armour*, 11 Grant 303, and English cases there cited.

"In *New v. Pennell*, 33 L. J. Chy. 19, it was held that a memorandum not under seal, accompanying a deposit by way of equitable mortgage of deeds, requires registry.

"The latter clause of this section will not interfere with the doctrine of tacking, in cases where the provisions of this act do not apply. See *Hynan v. Roots*, 10 Grant 340, and cases there cited."

In the appendix Mr. Wood gives us some very useful tables, evidently prepared with much labour and care.

1. A list of special deeds and documents of which the registration is necessary, in order to their validity, or to the priority of the rights of the parties, within the times within which registry is to be made, where the time is fixed by statute.

2. A list of documents which may be registered at the option of the parties.

3. A table of Miscellaneous Statutory Enactments relating to Registrars and Registration.

4. A Table of Fees payable to Registrars under sec. 68 of the Act. And with reference to this we may remark that it would have saved a world of trouble if the compiler of the Act had taken some such course, as that which Mr. Wood does, as a matter of more easy reference, for the purpose of showing the fees payable to Registrars—a part of the Act which is in a most unsatisfactory position at present,

and which leads to innumerable petty annoyances, and even worse evils.

A "Postscript" is added, containing references to cases decided, and questions which had arisen during its progress through the press. Some of these questions we have already discussed, many others are open for discussion; for, as we have already said, the Act is not drawn up with that care that the importance of the subject required, or the time spent, or supposed to have been spent upon its compilation, might lead us to expect.

A very full Index completes the volume; and, in conclusion, we must say that the thanks of all concerned in the registration of titles, whether professional men, Registrars, or that multitudinous class that go by the misapplied name of "conveyancers," are due to Mr. Wood, for a very useful and complete manual on the law affecting the registration of titles in Upper Canada.

The material part of the work is got up, as usual, in Messrs. Chewett & Co.'s excellent style. The price in paper covers is one dollar, and in half calf one dollar and fifty-cents.

APPOINTMENTS TO OFFICE.

NOTARIES PUBLIC.

RICHARD SNELLING, of the City of Toronto, Esquire, Barrister-at-Law, to be a Notary Public in Upper Canada. (Gazetted February 3, 1866.)

CORONERS.

JAMES HUTTON, of Forest Village, Esquire, M.D., to be an Associate Coroner for the County of Lambton. (Gazetted February 3, 1866.)

HENRY R. HANEY, of Fenwick, Esquire, M.D., to be an Associate Coroner for the County of Welland. (Gazetted February 3, 1866.)

THOMAS EYRES, of the Village of Millbrook, Esquire, to be an Associate Coroner for the United Counties of Northumberland and Durham. (Gazetted February 3, 1866.)

TO CORRESPONDENTS.

"A SUBSCRIBER" — "CLERK D. C. Co. NORFOLK" — "R. H. MARSTON" — "D." — "A SUBSCRIBER" — Under "Correspondence."

"J. C." We shall answer your letter more fully next issue—at present we do not think the auditors of school section accounts can recover any compensation.

The rumour of the contemplated retirement of Dr. Lushington is revived. It is said that he will do so on the conclusion of the great case of the Banda and Kirwee Prize-money. Such a rumour has been sent about before, and, if repeated often enough, it is sure to be right at last. The probability of truth is greater than before, for the venerable judge was born so long ago as 1775, and has presided in the Admiralty Court since 1838. He is the oldest of the English Judges.