

THE ACT FOR QUIETING TITLES.

DIARY FOR APRIL.

1. SUN... *Easter Day.*
2. Mon... County Ct. and Surrogate Ct. Term commences.
7. Satnr. County Court and Surrogate Court Term ends.
8. SUN... *Low Sunday.*
9. Mon... York and Peel Spring Assizes.
15. SUN... *2nd Sunday after Easter.*
22. SUN... *3rd Sunday after Easter.*
23. Mon... *St. George.*
29. SUN... *4th Sunday after Easter.*
30. Mon... Last day for comp. Asses. Rolls. Last day for
[Non-res. to give lists of their lands.]

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20 VIC., CAP. 25.

We are glad to learn that the benefits to be derived from this Act have been at once appreciated, and that a large number of petitions have already been presented to the Court of Chancery, many of them by members of the profession in connection with their own property.

The practice being entirely new, and there being no precedents to serve as aids in the conduct of applications under the Act, a short statement of the mode of proceeding, and of the practice adopted by the Referee, may be of service to practitioners.

A perusal of the Act must satisfy every one of its extreme simplicity.

The application is by a short petition, the form of which is given in the Act. This form should be strictly observed, and varied only as demanded by the circumstances of the particular case.

Before presenting the petition, the solicitor should thoroughly investigate the title, and the proofs of it. If the title be defective, or the proof of it not attainable, the petition should not be presented.

The petition is filed with the Registrar of the Court of Chancery, at Toronto, and upon filing it, the petitioner receives a certificate of such petition being filed, which he must register in the registry office of the county in which the land is situate. The petition is forthwith transmitted by the Registrar to the Referee, to be ready for investigation as soon as the proof of the title is laid before him.

The solicitor should next procure all necessary affidavits to be sworn, (including his own affidavit or certificate that he has investigated the title and finds it to be as stated in the affidavit of his client.) Having all his proofs complete, he is then, and not before, to carry them in to the Referee of Titles, with the other papers required by sec. 4 of the Statute, viz. :

1st. All the title deeds, if any, and evidences of title relating to the land, that are in the possession or power of the applicant.

2nd. A certified copy of the memorials of all other registered instruments affecting the land, up to the time of the registering of the certificate of petition above mentioned. (This certified copy should include the affidavits of execution filed on registration of each memorial. Where, from the way the property is described, the Registrar is unable to certify that such memorials are all that affect the lands, the Referee requires a surveyor to examine the property, who, after examining the Registry or memorials, is to make an affidavit that the memorials produced are all that affect the land. All this should, if practicable, be done before the memorials and papers are brought to the Referee.)

3rd. The certificate of the County Registrar in which the land lies as to the bills and proceedings in chancery, or in any County Court on its equity side, if any such be registered.

4th. A concise statement of such facts as are necessary to make out the title, and which do not appear in the documents produced, but no abstract will be required except on special grounds.

(Among these facts the following will be necessary in every case; that all taxes theretofore assessed on the lot have been paid and satisfied; that there is no execution in the sheriff's hands against any person interested in the land; that the same had never been sold by the sheriff, either on execution or for taxes, except as appears by the Registrar's certificate; and that there are no Crown debts affecting the land.)

5th. Proofs of any facts, requiring proof, to make out the title, unless dispensed with until a later stage of the investigation. (Among these matters will be the particulars mentioned in the concise statement.)

6th. An affidavit by the claimant, and a certificate signed by his counsel, to the effect