

THE LAND TITLES ACT.

legal validity then and there pronounced upon before effect can be given to it by registration; and in this way defects and objections to title will be prevented from smouldering for years to burst out into a flame when least expected, as is too often the case under the system of conveying heretofore prevailing in this Province. The whole scope and object of the Act is, first of all, to give official sanction to titles to land brought under the Act, and thereafter to give official sanction to all transactions which take place in reference to such land.

Having given this brief *resumé* of the purpose and object of the Act we may now turn to the Act itself for a little more detail as to its provisions, and we find that the Act is to be worked by an officer to be called the Master of Titles who is to be a barrister of not less than ten years' standing at the Bar of Ontario, and who is to exercise *quasi*-judicial functions. Mr. J. G. Scott, Q.C., Deputy Attorney-General, has been appointed to fill this position, and we doubt not will prove a very efficient officer.

Owners of an estate in fee simple, legal or equitable, and any person having a disposing power over the fee for his own benefit, and whether free from, or subject to encumbrances may apply to be registered; and any person who has contracted to buy the fee may, with his vendor's consent, also apply to be registered. Lessees may also, under certain conditions, have their titles registered. But no person can be registered as owner of an undivided share; nor can more than four persons be registered as owners of any land. If there are in fact more than four owners they must agree among themselves which four of their number are to be registered.

Three methods of registration are provided. First, registration with an *absolute title*, this is where the title is found by the Master of Titles to be free from defects.

Such a registration is the most complete form of title a person can get. The second is, registration with a *possessory title*. The words possessory title, in this Act, however, have not the meaning ordinarily applied to them, viz., the title of a person who has acquired his title to land by length of possession. On the contrary they have a meaning peculiar to the Act, and signify merely that the title of the person who is so registered has not been officially passed by the Master of Titles, but that the person registered with such a title has merely established a *prima facie* right as owner, and that the title of the land thus registered is, notwithstanding the registration, subject to such defects, if any, as existed at the time of its first registration. The effect of such a registration is, that persons dealing with property held under such a certificate will be compelled to satisfy themselves as to the goodness of the title of the person first registered under the Act. In process of time, of course, many titles so registered will become capable of being registered as absolute, and in any case the registration will have the effect of stopping the accumulation of defects of title, as all subsequent transactions in reference to the land thus registered, will take place under the Act and be duly scrutinized by the Master of Titles before they can be registered.

There is also a third method of registration and that is with a *qualified title*. This is where the Master of Titles examines the title of the person registered, and finds it subject to certain specified objections, or encumbrances, or charges. These are specified in the certificate of title; but the title is in other respects as complete as an absolute title. The benefit of this method of registration is that the defects or qualification of the title are explicitly stated on the face of the register, and any person dealing with property so registered has, within the four corners of the certifi-