

## QUIETING TITLES.

The following is a copy of the letter referred to:

"I am very glad to know that the Bill for Quieting Titles is to be carried through Parliament this Session as a Government measure. As I have taken great interest in the subject to which this Bill relates, and have given to it considerable attention, it has occurred to me that I may perhaps facilitate your work a little by stating my view of the evils which the Bill was designed to meet, and of the method by which the Bill proposes to remove them.

When I first introduced the Bill you were good enough to express your approval of its principle and object, and to go over its clauses with me very carefully and to suggest to some of them amendments which I had great pleasure in adopting.

The Bill as it now stands has thus had the benefit of a careful revision by yourself. For the original preparation of the Bill I frankly confess that I am entitled to no particular credit. My professional practice had called my attention to the great and growing evil of the insecurity of our Titles, and my reading had brought to my knowledge the remedy first adopted in Ireland, afterwards acted upon in Australia, New Zealand, and elsewhere, and lately applied to England itself. What I have done is the draftsman's work of adapting laws already in force in other countries to the circumstances and requirements of this section of our own Province.

The leading objects of the Bill are to give greater certainty to Titles; to facilitate the proof of them; to expedite transfers; and generally to render dealing with real property more simple and less expensive. Everybody is interested in these important objects, for everybody either owns property now, or hopes to do so some day.

The insecurity of Titles, which it is the purpose of the Bill to remove, has often been the occasion of the greatest possible hardship and suffering to individuals and families; and facility of transferring real estate, which it is the intention of the Bill to promote, is of the greatest importance to a young country, like Canada.

The method by which the Bill proposes to accomplish its design is by rendering Titles indefeasible whenever they have been submitted with this special object to the ordeal of a judicial investigation and their validity has in this way been ascertained. This investigation is not to be compulsory on owners, but the proposal is that an owner shall have the right to have the investigation made if he chooses, and though there may be no adverse claimant. On his establishing his Title, after due inquiry and every precaution by the Court against error or fraud, it is proposed

that the owner shall receive a Certificate of Title; and that such Certificate shall operate as a new starting point in his title, and shall be conclusive at Law and in Equity against all the world that at the time mentioned in the Certificate the land belonged to the person it names. Thenceforward when the owner sells or mortgages, an intending purchaser or mortgagee will only have to search for conveyances or incumbrances subsequent to the Certificate—the work of perhaps five minutes or less.

As the Law stands now an owner may have an undisputed and indisputable Title; it may be easy for him to-day to prove every deed and every fact on which his Title depends; but a dozen years hence the case may be quite different. The proof may then be difficult, expensive and perhaps impossible; witnesses whose testimony he needs may be dead; or if alive, it may be impossible to find them; or if found, they may be where the process of our Courts cannot reach them, and where therefore their evidence cannot be compelled. Or if these difficulties do not arise, others may. In a dozen years witnesses may forget important facts; or some of the papers on which the Title depends, may be mislaid or lost, and there may be the greatest possible trouble in tracing them, or proving by satisfactory evidence their loss and their contents. The Bill proposes to give to every owner the right, if he chooses, of producing his proofs now; and if they are clear and satisfactory, of being relieved forever afterwards from the necessity of producing them.

When an owner has occasion to prove his Title at law, this only gives him the opportunity of showing the legal title. An action at law seldom touches the question of the equitable Title, or of equitable interests in the property; and whatever such an action decides is binding on the parties to the suit only, and affects no one else. The evidence must be forthcoming, and may have to be repeated in every suit with everyone who at any future time sets up a claim to the property.

Then again many of the flaws on which a Title is defeated are such as, if known in time, could be easily and cheaply remedied; but are beyond remedy when the property becomes valuable enough to tempt the cupidity of those who are entitled to take advantage of the defects that are discovered; or the original party to the transaction may then be dead and his heirs may be minors or needy, and for these or other reasons unable or unwilling to correct or overlook the mistakes or omissions which render the title defective.

All sorts of questions have to be considered in looking into a title prior to making a purchase or