

## ACTS OF LAST SESSION.

## AN ACT

*Respecting Voluntary Conveyances.*

[Assented to February 25, 1868.]

Whereas it is expedient to amend the Law respecting Voluntary Conveyances: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Notwithstanding the provisions of the statute passed in the twenty-seventh year of the reign of her late Majesty Queen Elizabeth, and chaptered four, no conveyance, grant, charge, lease, estate, encumbrance, limitation, of use or uses which is executed in good faith, and duly registered in the proper Registry Office before the execution of the conveyance to, and before the creation of any binding contract for the conveyance to any subsequent purchaser from the same grantor of the same lands, tenements or hereditaments or any part or parcel thereof, or any rent, profit or commodity in or out of the same, shall be or be deemed or taken to be merely by reason of the absence of a valuable consideration void, frustrate, or of none effect as against such purchaser, or his heirs, executors, administrators or assigns, or any person claiming by, from, or under any of them.

2. Nothing in this Act contained shall have the effect of making valid any instrument which is for any reason other than or in addition to the absence of a valuable consideration void under the said Statute or otherwise; nor shall anything in this Act contained have the effect of making valid any instrument as against any purchaser who has, before the passing of this Act, entered into a binding contract for or received his conveyance upon such purchase.

3. This Act may be cited for all purposes as "The Voluntary Title Conveyances Act (1868)."

## AN ACT

*Respecting Proceedings in Judge's Chambers at Common Law.*

[Assented to March 4, 1868.]

Whereas, it is expedient to make provision for proceedings in Judge's Chambers in the Superior Courts of Common Law: Therefore, Her Majesty, &c., enacts as follows:—

1. Any person acting as Judge of Assize and Nisi Prius in the City of Toronto, whether for the business of the County of York or for the City of Toronto, shall, while so sitting or acting as such Judge, or while the sittings shall last, be enabled to act as a Judge in Chambers in all matters as if he were a Judge of one of the Superior Courts of Common Law.

2. Any person acting as a Judge of Assize and Nisi Prius, shall, in and for the County for which he is acting, and while the sittings of the said Court shall last, be enabled to act as a Judge in Chambers in all matters entered

for trial before him, as if he were a Judge of one of the said Superior Courts.

3. In case at any time the two Chief Justices of the said Superior Courts, or in the absence of one of them, the other Chief Justice and one of the Puisne Judges of either of the said Courts, or in the absence of both Chief Justices, then in case two Puisne Judges of the said Courts shall consider it convenient for the dispatch of Chamber business, to appoint a person for any particular time to act as Judge in the transaction of Chamber business, they may, by writing under their hands, appoint either of the Clerks of the Crown and Pleas of the said Superior Courts, or a Barrister of at least five years' standing, to act as Judge for the time to be named in such writing, but such time shall not, on any occasion, exceed the period of one week, and the said time may be renewed from time to time, as often as there may be occasion therefor.

4. This Act shall continue in force for one year from the passing thereof, and no longer.

## AN ACT

*To amend the Law relating to purchases of Reversions.*

[Assented to March 4, 1868.]

Whereas it is expedient to amend the Law as administered in Courts of Equity with respect to purchases of Reversions. Therefore, Her Majesty, &c., enacts as follows:

1. In construing this Act, the word "purchase" shall mean any kind of contract, conveyance or assignment, under or by which any kind of property may be acquired.

2. In case any purchase made before the passing of this Act of any reversionary interest in Real or Personal Estate shall hereafter be sought to be opened or set aside on the ground of undervalue, the onus of proving undervalue shall lie upon the plaintiff.

3. No purchase made after the passing of this Act *bona fide*, and without fraud, of any reversionary interest in Real or Personal Estate, shall be opened or set aside on the ground of undervalue.

4. This Act may be cited for all purposes as "The purchases of Reversions Act (1868)."

## AN ACT

*For amending the Law of Auctions of Estates.*

[Assented to March 4, 1868.]

Whereas there is a conflict between the courts of Law and Equity in respect to the validity of sales by auction where a puffer has bid, although no right of bidding on behalf of the seller was reserved, and it is expedient that an end should be put to such conflict; and, whereas, as sales by auction are now conducted, many of such sales are illegal and could not be enforced against an unwilling purchaser, and it is expedient for the safety of