

THE TORRENS SYSTEM.

Having given this brief exposition of the present system and its defects, we will now proceed to consider the Torrens system of land transfer, which it is the object of the Land Law Amendment Association to introduce, and how it differs from that at present in force in Ontario, Manitoba and other provinces. But before doing so, it is but right to give a brief account of its origin.

Sir Robt. Torrens, K. C. M. G., in 1857, was resident in South Australia, being employed in the Customs Department there. In the course of this employment he became familiar with the mode in which ships are transferred, and it occurred to him that the same method might be applied to the transfer of land. Following out this idea he devised a system of transfer based on this principle, and having agitated the question before the public the result has been, that his system has been adopted with the utmost success in all of the five Australian colonies, and also in Tasmania, New Zealand, the Fiji Islands and British Columbia, and has now, in some of these places, been in operation for over twenty years.

The Torrens system differs from our own in this important respect, THAT IT IS A REGISTER OF TITLE, AND NOT SIMPLY A REGISTER OF DEEDS. Upon each transfer or dealing with land taking place, the precise effect and meaning of the instrument is finally and conclusively determined at the time of its registration, *all evidence necessary, is then required to be produced, and there is once and for all an end of all questions as to its validity.* The difference between the two systems is vital, for while the one makes no pretence at determining the effect of registered instruments, it is of the essence of the other that it does, and it does so conclusively. It would of course be impossible here to enter into a very detailed statement of the manner in which the Torrens system is worked. All that we can hope to do is to give a general idea of the system, and in order that its comparative merits may be better understood, we will show how it would be applied in the case of a title devolving in the manner previously mentioned.

The patentee, Jones, on obtaining his patent is registered in the registry as owner of the land and receives from the office a certificate stating that he is the owner. When Jones wishes to convey to Brown, he executes a transfer which is taken to the registry office with Jones' certificate of title, and if the transfer be found sufficient the certificate in favor of Jones is retained by