DIARY FOR APRIL.

1. Thur. Local School Supt. term of office begins.
4. SUN. *1st Sunday after Easter.*
5. Mon. County Court of York Term begins.
7. Wed. Local Treasurer to return arrears of taxes due to County Treasurer.
10. Sat... County Court of York Term ends.
11. SUN. *2nd Sunday after Easter.*
18. SUN. *3rd Sunday after Easter.*
23. Fri... *St. George.*
25. SUN. *4th Sunday after Easter. St. Mark.*
30. Fri... Last day for non-residents to give list of lands or apportionments from assessment. Last day for Local Clerks to return occupied lands to County Treasurer.

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THE ACT AS TO SHORT FORMS OF CONVEYANCES.

This Act is taken from the Imperial Act 8 & 9 Vic., ch. 119, and its object is to relieve from the labor of inserting covenants at length, and all the estate clauses, &c., and give to a conveyance drawn under it, using the short forms, the same efficacy and effect as would have been given to it if drawn irrespective of the Act, with the use of the corresponding lengthy forms. A recent case, *Cameron* v. *Gunn*, 25 U. C. Q. B. 77, however, would seem to indicate that, under certain circumstance, a conveyance may be aided in its effect if expressed to be drawn "in pursuance of the Act to facilitate the conveyance of real property." In one case, *Nicholson* v. *Dillabough*, 21 U. C. Q. B. 595, an indenture dated in 1852 * expressed to be drawn in pursuance of the Act to facilitate, &c., for a consideration of £75, with a limited covenant for possession and further assurance, was held sufficient to pass the fee, though the only operative words were *quit claim* and *release*, and the releasee had neither possession nor estate whereon a release could operate. McLean, C. J., and Burns, J., particularly referred to the fact that the deed was expressed to be in pursuance of the Act to facilitate the conveyance of real property, and that it contained covenants for possession and further assurance.

In the case of *Cameron* v. *Gunn*, *supra*, the defendants, by deed, dated in 1865, *remised, released, and forever quitted claim* to the plaintiff for a consideration of 5s., and without covenants. The Court referred to the fact that the former case was expressed to be in pursuance of the Act, that it was for £75, and contained a covenant that the purchaser might enter and take possession, all which they said was wanting in the case before them, and the instrument was held inoperative as either a release, grant or bargain or sale. Considering that the Court merely distinguished the cases on the grounds above mentioned: considering also that to the validity of a bargain and sale, a consideration of 5s. is as sufficient as a consideration of £75, and that to the validity of a deed as a grant, no consideration is requisite (at least when expressed to be to the use of the grantee, so as to prevent the use resulting to the grantor), it would seem that the Court, in denying efficacy to the deed, must (if they recognized the former case as law) have relied on the fact that it was not expressed to be in pursuance of the Act to facilitate the conveyance of real property, and contained also no covenants for possession or further assurance, and probably chiefly on the latter grounds: (see the observations of Draper, C.J., and Morrison J., in *Acre* v. *Livingstone*, 26 U. C. Q. B. pp. 285, 288, 296, but see per Hagarty, J., 292.)

It should be remembered that there is no longer an Act entitled "an Act to facilitate the conveyance of real property;" the original Act of 9 Vic. so entitled having been consolidated, and entitled "An Act respecting short forms of conveyances"; a corresponding change was omitted, however, in the first schedule.

On the whole, it is submitted that at present a mere reference to this Act will not give a conveyance any greater efficacy than otherwise it would have, except as pointed out in the Act.

There is a singular mistake in this Act, in that the only operative word made use of is the word "grant," whereas lands, that is the immediate freehold, did not at the time of the passing of the Act lie in grant, nor was it till some time afterwards that lands acquired that capacity (14 & 15 Vic. c. 7, s. 2; Con. Stat. U. C. c. 90, s. 2; see however the effect of 12 Vic. c. 71, s. 2, repealed by 14 & 15 Vic. c. 7). The error arose from copying the English Act without attention to the fact at the time of the pass-

* The date given to the indenture in the report is a misprint; the date there given is 1842, but the Act was not passed till 9 Vic. The prior part of the report gives the correct date.