

REVIEWS.

ISTRATOR, 1, 4; FORFEITURE; LEGACY;
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WILL.

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"Lands or hereditaments in fee simple in possession"—See TRUST, 2.

"No hope at present of recovery"—See EVIDENCE, 2.

"Perils of the Sea," &c.—See INSURANCE, 1.

"Personal Luggage"—See CARRIER, 2.

"Profits in Hand"—See COMPANY, 2.

"Public funds or government securities"—See WILL, 11.

"Sole Executors"—See REVOCATION OF WILL, 3.

"Spirituous Liquors"—See COVENANT, 2.

"Surviving"—See WILL, 9.

"Undertake, execute, hold, or enjoy any contract"—See PARLIAMENT.

WRIT OF ERROR—See ERROR.

WRIT OF RESTITUTION.

The Court of Queen's Bench had at common law no jurisdiction to issue a writ of restitution except as part of the judgment on an appeal of larceny; and 21 Hen. VIII. c. 11, and 24 & 25 Vict. c. 96, s. 100, only confer this jurisdiction on the Court before whom the felon has been convicted.—*The Queen v. Lord Mayor of London*, L. R. 4 Q. B. 371.

REVIEWS.

THE INVESTIGATION OF TITLES TO ESTATES IN FEE SIMPLE. By Thomas Wardlaw Taylor, M.A., Referee of Titles, &c. Toronto: Adam, Stevenson & Co., 1869.

The past half century has witnessed repeated efforts to clear away the obstacles standing in the way of the free circulation of real estate. Even professional men are gradually, though slowly, beginning to see that the time is coming when there must be greater facility for the sale and purchase of real estate, assimilating it more and more, in this respect, to chattel property.

One is irresistibly reminded of the dangers and difficulties which, even yet, surround the

investigation of titles by a perusal of the introduction to this excellent manual of Mr. Taylor's. We notice *en passant*, amongst other points, his remarks upon the necessity in the case of deeds executed before 18th September, 1865, of having the receipt for the purchase money endorsed on the deed, in addition to the usual formal receipt embodied in the deed itself. The rule is well enough established in England, but there seems to be more doubt about it in Canada, though it is insisted upon rigorously in cases coming under the Act of Quietting Titles. The practice in former years, in this country, was not to sign separate receipts; latterly the custom has grown up of giving separate receipts as a matter of course when the deed is executed, *without any reference as to whether the consideration is then paid or not*. In either case, one is led to doubt the necessity of the rule being strictly enforced in this country (See *ante* Vol. III. N. S., p. 254). But doubtless where the applicant asks under the act for a certificate of title, good against the world, he may reasonably be asked to spare no trouble in satisfying the judge on all points that can be explained.

The remarks on page 10 as to the powers of an executor or administrator to assign the legal estate must now be noted by a reference to the late act of Ontario passed since this book was written.

Chapter I. is introductory, giving a general view of the principal duties of a conveyancer in investigating a title. Chapter II. is devoted to Registration and the requirements of the Registry Act. Chapter III. discusses Incumbrances; Mortgages; Vendor's liens; Crown debts, now happily dying out; Executions; Taxes; Special improvements under particular Statutes; Liens of Mutual Insurance Companies, not much practical advantage to them and a nuisance to every body else, and given apparently without rhyme or reason; Dower; Curtesy and Legacies. Chapter IV. speaks of Particular Titles, such as by possession, by inheritance, by will, by decree and vesting orders of the Court of Chancery, by acts of Parliament, by by-laws under powers of sale in mortgages; tax titles and Sheriffs deeds under executions. In the next two chapters, the subjects of attested copies; Covenants for production; secondary evidence and presumptions are shortly treated of; and the concluding chapter is devoted to a few remarks