

THE LAND TITLES ACT.

it as a gross slander upon the noble profession of which I have the honour to be a member. I do so emphatically in the case of the Bar of Ontario, and I speak on the knowledge of nearly fifty years. At the close of the last century the Law Society of Upper Canada was established. In the language of the Act of Incorporation it was declared to be as well for the establishing of order amongst themselves as for the purpose of securing to the Province and to the profession a learned and honourable body to assist their fellow subjects as occasion may require, and to support and maintain the constitution of the Province—and well and nobly have these object been carried out, as the records of the Court, the records of Parliament and the political history of the country abundantly prove. But I cannot think that a doubt of the honour of the Bar has permanent place with any."

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THE year 1885 will be a memorable one in the legal annals of the Dominion as being that in which the first practical steps were taken to introduce into the Provinces of Ontario and Manitoba a change in the mode of transferring real estate. Like many other important changes which, of late years, have been made in the law, this one has been effected without creating any great controversy or discussion, and it remains to be seen whether the anticipations of the promoters of the measure will be realized in its practical working.

The operation of the Act of this Province (48 Vict. c. 22) is confined to the County of York and City of Toronto, and, pursuant to the proclamation of his Honor the Lieutenant-Governor, came into force on the 1st day of July last. This Act is mainly based on the Imperial statute, 38-39 Vict. c. 87, which we may say in passing has proved a failure, not so much from any defects in the Act itself, which any one who has studied it

must admit to be an admirable specimen of the draughtsman's skill, but rather from a combined opposition on the part of solicitors, resulting in a general refusal of the public to adopt the benefit of its provisions.

In Ontario it is optional with landowners whether or not they will adopt the system of registration provided by the new Act. If the title to land, however, is once registered under the Act, the land cannot afterwards be withdrawn from its operation, but all subsequent transactions in reference to that land must be conducted according to the provisions of the Act.

The method of registration under this Act differs very materially from the system of registration heretofore in force. Under the new Act the title, and not merely the deed is registered. In other words—not merely the fact that a deed has been made is recorded, but the legal effect of the whole series of deeds in the chain of title is what is registered. In order to the first registration of land under this Act, therefore, it is necessary that an official examination of the title shall be first made, which, wherever an absolute or qualified title is claimed, differs but little from an investigation under the Quieting Titles Act. If upon this examination the title is found satisfactory, it is thereupon registered, that is to say, the person entitled is registered as the owner of the particular parcel, and a certificate corresponding to the entry in the register is delivered to him, and his title is thereafter evidenced by this official certificate, and not by a conveyance as formerly. All subsequent transfers of the land, whether by way of sale, mortgage, or otherwise, will thereafter (with certain exceptions) depend for their efficacy on being passed by the Master of Titles, and their legal effect duly recorded by him. In this way every transaction as it takes place must be scrutinized by the public officer, and its