

to apply to mortgages existing prior to the date of the amendment; if the amended Act, which is the only one now in existence, applies, the curious anomaly arises of an instrument being controlled by the provisions of a statute before the statute was enacted. Chap. 28 is an amendment of s. 68 of the Partition Act, which had been already amended by 51 Vict., c. 16. This second amendment of the same section within two years is a very good illustration of the justness of our preliminary observations. The amendment merely enables the inspector of legal officers to dispense with the advertisement required by s. 68 in certain cases.

Chap. 29 is an Act to protect persons assuming to act as personal representatives of persons who, on account of their absence for seven years, have been erroneously deemed to be dead. The first section is curiously worded, and manifests the want of care which characterizes so much of our Provincial legislation. The section commences with a reference to persons appointed administrators, but the concluding part of the section purports to protect executors also, who have not been previously mentioned. This ambiguity will no doubt necessitate a lawsuit to determine its meaning. While the persons acting as executors or administrators are protected from liability, except for the estate remaining in their hands undistributed, the persons other than creditors to whom the estate has been distributed remain liable to the owner, subject to the Statute of Limitations. The second section protects personal representatives for acts done by them under letters of administration granted under an erroneous supposition of intestacy, or under letters probate granted of invalid wills; but saves the right of the rightful owner to proceed against the persons to whom the estate has been distributed, subject to the Statute of Limitations. The Act does not protect persons acting fraudulently.

By chap. 30 sundry amendments are made to the Registry Act, none of which appear to be of any great importance. One of the amendments is to the effect that where a will is tendered for execution, with an affidavit of the personal representative that any land dealt with therein was subsequently conveyed away by the testator in his lifetime, and it so appears by the registry books, the will is not to be recorded against such property. This is a very superficial and insufficient attempt to deal with a very serious evil, viz., the registration of wills against property which is really not affected thereby, by reason of the will being invalid. By chap. 31 some insignificant amendment is made to the Custody of Title Deeds Act, enabling receipts for money to be deposited in the Registry office.

Some amendments to the Land Titles Act are made by chap. 32, but they appear to relate to matters of detail which it is not necessary here to discuss; save only, that in the case of possessory certificates the contribution to the guarantee fund is reduced by one-half.

By chap. 33 provision is made for vacating certificates of *lis pendens* for want of due prosecution of the *lis*. The court is also enabled to vacate a certificate of *lis pendens* upon payment of money claimed against the land into court. An order vacating the certificate, however, is not to be registered until the lapse of fourteen days from the date of the order, so as to give opportunity to appeal