

of Reference, and that no such error can give to any person any better right to the land than his title gives him; so that if the purchaser of a lot described only by the cadastral number found that his lot was smaller than as described in the Book of Reference he could have no recourse against his neighbours on that ground only; yet the said article does not seem to debar a purchaser from obtaining indemnity from the Vendor in case the land sold does not contain the area given in the Book of Reference, for the acquisition of said area would seem to be a right given to the purchaser under his title deed.

Though not connected directly with surveyor's descriptions of real estate there is a point which might well be considered while discussing the present subject; viz: — that it would be advisable for notaries, when inserting a description in a deed, to state the source from which they obtained the description, whether from the Vendor himself, from an older deed, from a surveyor's plan, from a surveyor's description or from the cadastral Book of Reference, for such a course would often remove causes of misunderstanding as to the amount of dependence to be placed on the description.

In conclusion it may be remarked that, though an accurate description should be inserted in every deed, a vast amount of litigation would be saved if a plan were annexed to, or referred to, in every title deed. So long as a property remained unchanged a new plan would not be required, but at each change of property a plan should be made from which the description could be correctly drawn up.

Montreal, 26th february, 1894.

H. IRWIN.