CANADA

Land Law Amendment

ASSOCIATION.

PROSPECTUS & CONSTITUTION

TOGETHER WITH

SOME REMARKS

—ON THE—

PRESENT SYSTEM OF LAND TRANSFER IN ONTARIO

—AND THE—

TORRENS' SYSTEM OF REGISTRATION OF TITLE,

—TOGETHER WITH—

SUGGESTIONS FOR THE AMENDMENT OF THE PRESENT LAW OF DESCENT.

PRINTED BY ORDER OF THE ASSOCIATION.

Toronto:

GLOBE PRINTING COMPANY, 26 AND 28 KING STREET EAST.

1883.

CANADA

LAND LAW AMENDMENT

ASSOCIATION.

OFFICERS FOR 1883.

President:

J. HERBERT MASON.

Vice-Presidents:

W. B. SCARTH, DAVID BLAIN, LL.D.

Treasurer:

Hon. S. C. WOOD.

Secretary:

BEVERLEY JONES.

Corresponding Secretary:

GEORGE S. HOLMESTED.

Directors:

John Leys,	J. J. Foy,	Wm. Douglas, M.A.
S. G. Wood,	James Metcalf,	W. Kersteman, Jr.
Jno. A. Paterson,	Jno. Fisken,	J. P. Clark,

R. H. Tomlinson.

"I have never been able to perceive the obstacle to applying to land, the system of transfer which answers so well when applied to shipping; but, as my learned brethren, one and all, have declared that to be impossible, I had become impressed with the belief that there must be something wrong in my intellect, as I failed to perceive the impossibility. The remarkably clear and logical paper which has been read by Sir Robt. Torrens, relieves me from that painful impression, and the statistics of the successful working of his system in Australia amounts to demonstration; so that the man who denies the practicability of applying it might as well deny that two and two make four." *Extract from a speech delivered by Lord Coleridge, (now Lord Chief Justice of England), presiding at the Congress of the Law Amendment Society at Cheltenham, England, in 1872.*

THE CANADA

LAND LAW AMENDMENT

ASSOCIATION.

PROSPECTUS.

The objects of the Association as set forth in its Constitution are :

1. The simplification of the transfer of Real Estate in the various Provinces and Territories of the Dominion of Canada.

2. The securing of indefeasibility of title to real estate in such Provinces and Territories.

3. And for the purposes aforesaid, to promote as far as possible the introduction of the TORRENS SYSTEM of land transfer, or such modification thereof as may be found practicable and expedient.

4. The amendment of the Law of Real Property, so as to facilitate and promote the efficient working of the TORRENS SYSTEM of land transfer.

All persons are eligible as members of the Association, who may sign a declaration, signifying their desire to become members, and their assent to the objects for which the Association is formed.

Contributions are solicited to assist in carrying on the work of the Association from corporations and individuals who are favorable to its objects, which may be sent to Hon. S. C. Wood, Treasurer of the Association, Toronto.

All communications intended for the Association may be addressed to Beverley Jones, Esq., Secretary, Canada Permanent Chambers, Toronto, Ont.

DEFECTS

—IN THE PRESENT—

LAND LAWS,

—AND—

PROPOSED REMEDIES.

It has often happened in Ontario, and will often continue to happen, unless some remedy be applied, that men who have been many years in occupation of land which they have bought and paid for, and honestly believed themselves to own, have suddenly found to their surprise and cost, some defect in their title, which has resulted in their being either involved in a costly law suit, or otherwise exposed to grievous delays and expenses at a time when they could least afford it, besides utterly frustrating plans which they may have formed for selling, or mortgaging.

Such defects may come to light, for instance, on any attempt to sell the land. It may be a defect in the title itself, which can be cured only by obtaining a further deed from some prior owner; or it may be a defect in the evidence whereby the title is sought to be proved, and in either case, to remedy the defect may be the means of causing such delay and expense that the whole object of effecting the proposed sale may be defeated; or it may be, that the service of a writ at the suit of some hostile claimant is the first intimation the unfortunate land-owner receives of there being anything wrong with his title; or it may be, the difficulty is first discovered on attempting to mortgage the land. No matter how the difficulty or defect may be made manifest, it is always a matter of unmitigated annoyance and expense to the owner.

Under the present system of tenure, and transfer, of land in Ontario, there are very few transactions where the title has to

be traced through a dozen or more proprietors, which do not lead to trouble, delay and seemingly extravagant expenses; and the difficulty is one that increases proportionately with every change of ownership; for the longer the chain of title, the more difficult it is under our present system to maintain every link in the chain in order, so that it may present no ground of objection on any attempt to deal with the land.

But why there should be all this trouble and difficulty about land transactions, whether it be in buying, or selling it, or borrowing, or lending money, on the security of it, is one of those matters the ordinary lay mind is unable to comprehend.

The study of the law of real estate is a recondite one, and even amongst the legal profession there are few who attain a complete mastery of the subject. It is hardly to be wondered at, therefore, that the idea has got abroad that all this inconvenience, delay, and expense, are somehow or other necessary evils, which must be endured with patience. It appears to be assumed that there is something in land, as distinguished from other classes of property, which makes it necessary that it should be regulated and governed by a more complicated system of law, and that its transfer should be surrounded by difficulties and obstructions from which other classes of property are free.

In Australia it has, however, been demonstrated by over twenty years actual experience, that all these difficulties may be safely swept away, by the adoption of a simpler system of transfer, not not only without injury, but with the most certain and positive benefit to all who own or deal with land.

OUR PRESENT SYSTEM.

Before discussing the Australian system of land transfer, it is well that the reader should first understand, to some extent, the system at present in force in Ontario.

All land in this Province (with some trifling exceptions) was originally, so far as the title goes, vested in the Sovereign. Title to a piece of land is deduced in the following way. For example, by letters patent, a parcel of land is granted by the Crown to a subject whom we will call Jones; he in process of time, conveys it to Brown by deed; Brown dies and leaves a will whereby he purports to devise the land to Cowan; Cowan then conveys to Davis, who dies intestate, leaving a widow and six children his heirs at law. Now all the deeds under which the title has passed may be

recorded in the registry office, but there is no determination by the registrar, or any other public officer, of the real legal meaning and effect of any one of them. When Cowan conveyed to Davis he had not only to satisfy the latter that Brown had made a will of the land in his favour, but he had also to satisfy him that Jones, the patentee, had duly conveyed the land to Brown. When the widow and children of Davis desire to convey the land to a purchaser, they will have to satisfy him not only that they are respectively the widow and children of the former owner Davis, but also that Cowan duly conveyed to Davis, and that Cowan was the devisee of Brown, and that Brown was the grantee of Jones, and that Jones was the grantee of the Crown. Thus we have a sort of "House that Jack built" story, continually lengthening out with every successive change in the title.

This process of tracing up the ownership must be gone through on every successive transfer or dealing with the land, by sale or otherwise. Now it happens that, in dealing with land, people do not always take care to preserve evidence of all the facts material to the title, and the result is that this evidence is frequently required to be procured after such a lapse of time, that it is very difficult if not impossible to procure it at all.

For example: when Jones conveyed to Brown, perhaps Jones was unmarried; this may have been a fact well known to Brown. He may have known Jones all his life, and the thought of getting any evidence of his being unmarried, would to him seem in the highest degree absurd, and a useless expense besides. But years afterwards when the children and widow of Davis want to convey to Edwards, one can easily see how very difficult it may be to trace up Jones and find out whether, when he conveyed to Brown, he was a single man or not.

But it might be thought, even if Jones were married when he conveyed—after the lapse of twenty years without any claim, Mrs. Jones's dower would be barred; but that question altogether depends on whether Jones, her husband, is living or dead. Her right of action for dower does not arise until her husband's death, and no matter how long he may live after conveying the land to Brown her right to dower would be kept alive until his death and for ten years afterwards. So that the Statute of Limitations is of very little help in getting over these difficulties.

Again, when Edwards takes his conveyance from the widow and children of Davis, he may perhaps be a neighbour of the family, and have such an intimate knowledge of them all, that to him the preservation of any evidence that Davis died intestate, or that the several children who convey to him are the sole heirs at law of Davis, and of age, would seem ridiculous. But years afterwards, a vendor may be required to hunt up evidence of these facts in order to satisfy an intending purchaser that the land was duly conveyed to Davis.

There is not only the difficulty arising from the necessity of getting evidence to prove facts connected with the title, there is yet another, of even a more serious character. A title may pass through the hands of a number of unskilled persons, who may assume that it is all right, and after the lapse of years, it may at length be found to be all wrong, from the simple fact, that some deed in the chain of title has an entirely different effect from what it has previously been supposed, by the successive owners, to have had. For example: after thirty or forty years, or even a longer period, it may turn out that the deed from Jones to Brown, by reason of the omission of the words "and his heirs," instead of conveying the absolute interest in the land, or the fee simple, as it is called, conveyed as a matter of law, only an estate for the life of Brown, and it may be that Brown is still living, or has but recently died. The effect of this would be, that the heirs of Jones on the death of Brown would be in law the owners of the land instead of Edwards, or anyone claiming under him. This is a defect in title which it is very obvious the Statute of Limitations is inadequate to remedy. For the Statute would not begin to run in such a case against the heirs of Jones until Brown's death. Thus, people who fondly think a 50 or 60 years' possession is an absolute guarantee of the goodness of their title to land, may be, and sometimes are, rudely undeceived.

Our present system of registration is simply a registration of deeds; it gives no sort of assurance to a purchaser that the instruments registered are really what they profess to be. Each person must assume the responsibility of determining the precise legal effect of every instrument that may be on record, and if perchance he should be mistaken, or be ill advised, as to their meaning and effect, he must bear the loss himself, with possibly a right to sue somebody else for indemnity.

Having given this brief exposition of the present system and its defects, we will now proceed to consider the Torrens system of land transfer, which it is the object of the Land Law Amendment Association to introduce, and how it differs from that at present in force in Ontario, Manitoba and other provinces. But before doing so, it is but right to give a brief account of its origin.

Sir Robt. Torrens, K. C. M. G., in 1857, was resident in South Australia, being employed in the Customs Department there. In the course of this employment he became familiar with the mode in which ships are transferred, and it occurred to him that the same method might be applied to the transfer of land. Following out this idea he devised a system of transfer based on this principle, and having agitated the question before the public the result has been, that his system has been adopted with the utmost success in all of the five Australian colonies, and also in Tasmania, New Zealand, the Fiji Islands and British Columbia, and has now, in some of these places, been in operation for over twenty years.

The Torrens system differs from our own in this important respect, THAT IT IS A REGISTER OF TITLE, AND NOT SIMPLY A REGISTER OF DEEDS. Upon each transfer or dealing with land taking place, the precise effect and meaning of the instrument is finally and conclusively determined at the time of its registration, *all evidence necessary, is then required to be produced, and there is once and for all an end of all questions as to its validity.* The difference between the two systems is vital, for while the one makes no pretence at determining the effect of registered instruments, it is of the essence of the other that it does, and it does so conclusively. It would of course be impossible here to enter into a very detailed statement of the manner in which the Torrens system is worked. All that we can hope to do is to give a general idea of the system, and in order that its comparative merits may be better understood, we will show how it would be applied in the case of a title devolving in the manner previously mentioned.

The patentee, Jones, on obtaining his patent is registered in the registry as owner of the land and receives from the office a certificate stating that he is the owner. When Jones wishes to convey to Brown, he executes a transfer which is taken to the registry office with Jones' certificate of title, and if the transfer be found sufficient the certificate in favor of Jones is retained by

the registrar and cancelled, and a new certificate is issued in favor of Brown On the death of Brown his will is produced to the registrar; if there be any doubt as to its proper construction, the question is required to be determined by duly constituted officers appointed for the purpose, before the devisee, Cowan, can be registered as owner.* On Cowan being registered as owner, the certificate in favor of Brown is cancelled, and a new certificate is issued to Cowan. Now when Cowan wishes to sell to Davis the latter is not bound to enquire as to all the previous owners, or as to the validity of Brown's will; he is protected by the fact that Cowan has got the certificate certifying that he is owner. On Davis' death proper proof is required to be produced to the registrar of his death, intestacy, and that the parties claiming to be his widow, and heirs at law, are so entitled, and the only person so entitled, whereupon they are registered and receive a certificate, and the certificate in favor of Davis is cancelled.* In short, the "House that Jack built" story is no longer necessary to be told on each change of ownership.

In the case of mortgages, and leases, the certificate of title is produced, and a note is made on it of the lease or mortgage, and when the mortgage is satisfied, or the lease surrendered, an entry to that effect is made on the certificate. The registrar's books contain an exact counter part of the certificate issued, and of all incumbrances affecting the title.

SHORT FORMS OF DEEDS.

Not only is the method of transfer under the Torrens system, greatly simplified in the manner shown, but this system involves a great reduction in the length of all deeds, and documents, necessary to carry out land transactions, thereby rendering them much less costly than they are at present.

THE RESULTS OF THE TWO SYSTEMS.

It may suffice to say, that under the system which prevails in Ontario a man may bring you ten, twenty, or thirty deeds—the only limit to the number being the number of transactions which have taken place in reference to the land in question—and if he

---

*This assumes that the present law of descent is not to be changed. It will be seen subsequently that it is proposed that the descent of real estate and personal estate should be assimilated, in which case, on the death of the proprietor, his executor or administrator would be registered instead of the heir or devisee, and the transfer to the beneficiaries, whether as devisees, or next of kin, would then be made by the personal representative.

were to speak the truth, he would say, "If you will carefully and critically examine this pile of documents you may perhaps find out that I have the title which I claim, to the land mentioned in them; but the chances are ten to one, that if you know anything about the matter, you will find there are defects in some of these documents which will require to be corrected, that evidence of various facts connected with the right of former owners will have to be produced, which defects can be cured, and evidence produced, only after delay and expense."

It would be some compensation for all this delay and expense, if when the title had once been fully investigated, any further investigation upon any subsequent transfer would be rendered unnecessary, but this is very far from being the case. A's solicitor may have made a very careful examination of the title when A became the purchaser, but when A desires to sell to B, the latter will naturally require his own solicitor to examine the title for him, and as B's solicitor is responsible in damages for the advice he gives, he requires to go all over again the work which A's solicitor had previously performed when A became the purchaser. It is possible, too, that he may discover some flaw that had been overlooked on the former investigation, or may require evidence to be furnished, which A's solicitor may have thought might be safely dispensed with; thus as often as any new transaction takes place, a re-investigation of the title becomes necessary.

Now let us consider the case of a man whose title is registered under the Torrens System. In place of ten, twenty, or thirty documents of considerable length, and difficult to be properly understood, he produces for your inspection one single document, in concise terms stating exactly what his title is, and to what charges, or qualifications, if any, it is subject—not only this, but you may implicitly rely, that this document is speaking the truth, and that the facts therein stated are unimpeachable, each certificate of title being equivalent to an original grant from the crown.

GUARANTEE FUND.

But it may be answered: "This system is all very well, as you describe it, but is it not possible that it might result in grievous injustice to innocent parties, by reason of mistake on the part of the registrar, or the registration of fraudulent transfers?" If the Torrens System were open to this objection, it would be a serious one against its adoption. The claims of persons who have lost their rights to land through fraud, or mistake, are, however,

amply protected. In the first place, no person who has himself obtained a certificate of title by fraud or evil practice, can set it up against the person whom he has defrauded. If, however, he should succeed in conveying away the property, an innocent purchaser would be protected, but the person who practised the fraud would remain liable to the party defrauded, and in the event of the latter being unable to recover full compensation otherwise, he would be entitled to be indemnified out of a guarantee fund vested in the government. This fund is created by the payment of a small fee, which in Australia was fixed at about one cent for every five dollars of the value of the land registered, and was charged only at the time of its first registration, and upon every devolution of the land by death.

Although this fund was thus provided, all reasonable precautions were taken to prevent frauds, and the granting of certificates erroneously. And so perfect has the system proved, that we find in South Australia in 1876 the fund amounted to £40,000 stg., while the total amount of all claims made upon the fund during the 17 years which the act had been in operation amounted to £300 only. In the other Australian Colonies similar results have been arrived at. The fund therefore must be regarded more as a matter of precaution, than as one which is likely ever to be largely drawn upon. It must be admitted that the principle of a money compensation is far better than our present system, which keeps alive claims upon the land itself, no matter how innocently the present owner may have acquired it, or what consideration he may have given.

DEFECTS IN THE PRESENT LAW OF DESCENT AND THEIR REMEDY.

Thus far the principal question we have discussed is that relating to the transfer of land. We now proceed to another and equally important one.

In addition to the introduction of the Torrens system, it has been found by experience in the Australian Colonies, that it is expedient to amend the law of descent of real estate.

Profiting by the experience of others, we should do well also to consider the advisability of at once adopting the amendment which the Australians have found necessary. There is no reason why a man's land should not, on his death, be administered in the same manner as his goods and chattels. If the law of primogeniture were in force in Ontario, any change in the law of descent, in the way of assimilating it with that of personal estate

would, no doubt, be a very radical change ; but primogeniture has been abolished in Ontario for over thirty years, and the persons beneficially entitled to share in a deceased person's real and personal estate are in most cases now the same individuals ; this, however, is not invariably the case, but the differences which exist are purely factitious and should not be suffered to continue. For instance, all a deceased person's goods and chattels must pass under the control of his executor or administrator ; no bequest is valid until it has been assented to by the executor, and he cannot properly assent until the claims of all creditors have been paid, or their payment provided for. Now, why in the name of common sense should not the same rule apply to land ? In Newfoundland the same law applies to both kinds of property, and its operation has been found most beneficial. In several of the Australian Colonies this change has been also adopted. So plain and obvious an improvement in the law, must commend itself to the mind of everyone, who for a moment considers the subject. If land were not liable to pay the debts of a deceased owner, one could understand why the administration of this class of property should be exempted from the authority and control of the executor and administrator ; but seeing that it is liable, the depriving the executor and administrator of all control over it, is most unreasonable. But although the land is, on the death of an intestate, vested in his heirs at law, yet by one of the strangest anomalies existing in the laws of any reasonable people, a creditor may, in Ontario, recover judgment against the executor or administrator of his debtor, and upon an execution issued on that judgment, to which the heirs-at-law are no parties, he may proceed to sell in execution, lands of which the title is by the law vested in those heirs-at-law ! The first principles of justice seem violated by this procedure, and yet it is a procedure that has prevailed in Ontario for many years past.

The abolition of the law of primogeniture was an advance in the right direction. But without some such change in the mode of descent as is now suggested it cannot be regarded as an unmixed good. It leads to great inconvenience and difficulty, from the fact that it has largely increased the number, of individuals entitled to participate in a deceased person's real estate, and by reason of this increase in the number there is a corresponding increase of difficulty and expense in ascertaining who the individuals interested are, and where they reside, and a

like increase of expense in procuring their concurrence in any dealing with, or transfer of, the descended property. In the case of personal estate, the executor or administrator may sell it, and distribute the proceeds among the beneficaries; if a person cannot be found, or is an infant, the personal representative may pay his share into the High Court of Justice. But in the case of land, the same result can only be attained after an expensive lawsuit, in carrying on which, a considerable portion of the value of the estate is sacrificed in costs and legal expenses. This is the history of hundreds of estates in Ontario during the past few years. One of the objects of the Land Law Amendment Association is to place land in this respect on the same footing as personal estate.

In amending the law so as to make land pass to the executor and administrator not only would a most direct and positive benefit thus accrue to those beneficially entitled; but the transfer of land, would also be greatly facilitated, as on the death of the owner instead of it being necessary to ascertain who are the heirs before the title could be registered, the registration would be at once easily effected in the name of the executor or administrator.

ANOTHER BENEFIT.

By amending the law in this direction we should also get rid of the estate of dower, which is a source of so much trouble and expense in the investigation of titles. But the widow of a deceased intestate would, instead of a precarious life estate, generally of little tangible value to her, have an absolute estate in a certain portion of her husband's lands as she now has in his personal property.

At present much of the delay and expense in land transactions, is due to this simple fact, that the owner is required to prove that possible outstanding claims for dower, do not exist; that former owners were unmarried when they conveyed, or if married, that their wives are dead, &c., &c. The benefit to widows of the present dower estate is infinitesimal compared with all the trouble and inconvenience which it creates in the transfer of land.

STILL ANOTHER BENEFIT.

By this change we should also be able to bid good-bye to that relic of antiquity, "the estate tail," and all its attendant satellites, "the protector of the settlement," the base fee, the fee tail general, the fee tail male, and the fee tail female, and we should no longer have any necessity to resort to devices for "barring the tail," for it would be so effectually barred that it

could never again come into existence. We should also have to bid a fond adieu to numerous other eccentric subjects known to the lawyers as mystic spirits, by which they may dazzle and confound the unlearned. We should find the Statute of Uses out of date, and those mysterious remainders, cross-remainders, contingent-remainders, springing-uses, shifting-uses, and executory devises, &c., &c., would all have to depart to some better land, where people have more time for puzzling over such intricate subjects than this go-ahead country possesses. At present, in Ontario, it is almost certain, that in nine cases out of every ten in which an estate tail is created, it is done by accident, and contrary to the intention of the person who is said to have created it.

CONCLUSION.

The questions we have been discussing are questions which are seriously engaging the attention of people in other countries besides our own, where the English land system prevails, and we cannot better conclude these remarks than by submitting to the attention of the reader the following extracts from a pamphlet published by "The Land Transfer Reform Association of New York." After very strongly advocating the Torrens system of transfer, the writer (Dwight H. Olmstead, Esq.,) proceeds: "But the question of the mode of transferring land in this country is not one of convenience or expediency merely. The question goes further, and brings up for discussion one of the most important subjects of modern times.

"It might be pertinent to enquire how it happens that Mr. Vanderbilt or Mr. Gould is able to sell and transfer millions of dollars of railway or other personal securities in Wall street, in a few moments without expense or risk, and the owner of a single lot of land in this city, be put to the present delay, danger and cost in transferring his property.

"Therefore I go further, and urge the more immediate and modern question, namely: 'Should there be, or is it necessary there should be, in the nature of things, any difference between the methods of transferring real and personal estate?

"Is not land 'property' equally with Western Union stock? Is there any reason why land should go to the heir-at-law, and personal estate to the executor or administrator?

"Why, then, if the discrimination in our statutes between real and personal property has no real foundation, why is it suffered to remain? I answer it is due to the pure ignorance and lack of

civilization which for so long a period recognized a distinction between law and equity. For upwards of five hundred years the courts of law and equity were distinct, with separate forms, judges, maxims and rules of procedure. Not until a comparatively recent date has it been learned that law is equity, and equity is law. Both come under the generic term of justice. So, only until recently has it been suggested that real and personal estate both come under the generic term of 'property,' and that all property, real and personal, is, or should be, liable to the same incidents as to its mode of disposition, descent, taxation, and governmental control.

"Observe how large are the transactions of the world in respect to personal property on a registry system.

"The public debt of the United States in 1880 was $2,120,415,-370, of which $1,707,531,090 were interest-bearing bonds. The total of all the public debts of the States and Territories of the Union is estimated at $800,000,000. The capital and funded indebtedness of all the railroads in the United States in 1879, aggregated $4,762,506,010. The funded debt of Great Britain is £710,476,359, or, in our currency, in round numbers, $3,500,-000,000, and the sum invested in private enterprises in the British Dominions, is probably twice as much as the public debt; the paid up railway capital alone amounting to £717,003,469. The total funded debt of France is 19,862,035,983 francs, or somewhat more than the English debt.

"The public debts of all the nations of the world, exclusive of the foregoing, are calculated to amount to $15,454,653,646. Then there are the bank stocks, shipping, mining, and other corporate interests of the world.

"All these vast interests, grown up in modern times, with our modern civilization, are sold and transferred in the open market from owner to owner by a simple registry system, when any record is kept, without delay, with trifling expense, and with absolute certainty as to the title.

"To say that the same method cannot be applied to assigning rights of ownership in land is absurd." We commend these considerations to the intelligent public of the Dominion, and bespeak their influence and active support in furthering the reforms, the promotion of which is the object of the Canada Land Law Amendment Association.

CONSTITUTION

OF

"THE CANADA LAND LAW AMENDMENT ASSOCIATION."

NAME OF ASSOCIATION.

1. That an Association be formed, to be styled "THE CANADA LAND LAW AMENDMENT ASSOCIATION."

MEMBERSHIP.

2. That this Association shall be composed of all persons sympathising with the objects which the Association is intended to promote, who shall signify their desire to become members thereof, and who shall sign the roll of membership.

OBJECTS OF ASSOCIATION.

3. That the objects of the Association shall be to promote by all legitimate means—

(1.) The simplification of the transfer of real estate in the various Provinces and Territories of the Dominion of Canada.

(2.) The securing of indefeasibility of title to real estate in such Provinces and Territories.

(3.) And for the purposes aforesaid to promote, as far as possible, the introduction of the TORRENS SYSTEM of land transfer, or such modification thereof as may be found practicable and expedient.

(4.) The amendment of the law of real property, so as to facilitate and promote the efficient working of the TORRENS SYSTEM of land transfer.

Work of Association.

4. To disseminate information regarding the objects of the Association through the press, by pamphlets, public meetings, and otherwise, and to organize branch societies having kindred objects in view, in other places in the Dominion.

Organization of Association.

5. That the officers of the Association be :—The President ; one or more Vice-Presidents ; Treasurer ; Secretary, and Corresponding Secretary ; and, ten Directors ; who, together shall form a Board of Management for regulating and controlling the work and the affairs of the Association, of whom five shall be a quorum.

That the Presidents of any Branch Associations established under Section 4, shall, on signing the roll of membership, be *ex officio* Vice-Presidents of this Association, and entitled to take part in the management thereof.

Election of Officers.

6. That the first officers be elected by the members of the Association present at the organization thereof, and that their successors be elected at the annual meeting of the Association, or at any general meeting of the Association called for the purpose.

Board to Elect Officers in Certain Cases.

In case of any vacancy occurring by the death, resignation, or absence for three successive meetings of any officer, the majority of the Board may elect an officer to fill such vacancy until the next general meeting.

Term of Office.

7. That the officers elected on the organization of the Association, or at any subsequent election, shall hold office until their successors shall be appointed.

Annual Meeting.

8. That there shall be an Annual General Meeting of the Association on the second Saturday in April in each year.

Special Meetings.

9. That the President or Secretary shall, on the request in writing of any six members of the Association, call a Special General Meeting of the Association.

Duties of Board of Management.

10. The Board of Management shall have power—

(1.) To authorize the expenditure of the funds of the Association for the promotion of its objects in such manner as a majority of them shall think most expedient, and shall submit a statement thereof at the next annual meeting.

(2.) To make by-laws for regulating the affairs of the Association, such by-laws to be in force till the next annual meeting of the Association, when the same shall lapse unless confirmed.