

borrower and lender in disregard of the non-issue of the Crown Grant, and difficulties arise which have to be cured by special legislation. The different Registration offices have been from this cause obliged absolutely to set aside the provisions of the Registration Ordinance, which only admitted to Registration, Deeds and Instruments made subsequent to the Crown Grant. It has led to several Legislative Acts of an objectionable kind, the effect of which is, to shift the legal estate retrospectively, so as to validate titles derived through instruments antecedent to the Crown Grant; and it has led to the Registration Amendment Act of last session, by which Deeds are made capable of Registration, without Registration of the Crown Grant.

These deviations from true rule were necessitated by circumstances—such necessities are always stronger than law.

But now, since every transfer or charge on land made prior to the Registration of the Crown Grant is declared “*not to be valid or effectual*,” there is an imperative necessity for some such measure as that proposed in the last session.

The principal objection taken to that measure was, that it took away the control which the General Government ought to exercise over the issue of Crown Grants and removed the guarantee for correctness, supplied by their superintendence. To some extent this no doubt was true, but if the General Government be furnished with copies of the Registration maps, showing all existing Crown Grants, and if they be furnished from time to time with tracings or copies of maps of lands newly granted, and if proper Regulations be made, obliging the Provincial officers to use care and exactness in the preparation of grants,—if, further, the means of correcting surveys be supplied by the Bill for that purpose which I propose, it seems to me that all reasonable precaution will have been taken against errors. Errors there will be occasionally, in the nature of things. Our object must be to minimize them; but after all, we must balance one class of inconveniences against another. My own conviction is, that delay in the issue of Crown Grants is an incalculably greater evil than the risk of error from delegating the power of issuing them, to public officers in the Provinces.

L. I have thus called your attention to the principal points which occur to me in reference to bringing into operation of “The Land Registry Act, 1860.”

I have only to add that the success of the measure will depend mainly on the appointment of qualified persons as District Registrars.

I have the honor to be,

SIR,

Your most obedient Servant,

HENRY SEWELL.

P.S.—I suggest that effect should be given to the Regulations by an Act of the Assembly, so as to remove all doubts as to their being within the scope of the Governor’s powers. In the same Act may be embodied the clauses I propose.

H. S.