

best indicated by his valuable contribution towards the materials of Irish history, in the republication, entirely for gratuitous distribution, of a collection in two volumes, entitled: *Tracts and Treatises Illustrative of the Natural History, Antiquities, and Political and Social State of Ireland at various periods prior to the Present Century*. In these volumes he brought out the works of Boate, Ware, Spenser, and Sir John Davis; also those of Sir William Petty, Bishop Berkeley, Price, and Dobbs. This work of his is so appreciated, that when the volumes he presented turn up at sales of private libraries, they bring two guineas.

We are thus indebted to the munificence of an individual for what in other countries is the work of great societies or of the state. As he has thus preserved the memory of those Irish statisticians and public writers of past centuries, historians in future years, when treating of Irish affairs in the present century, will add the name of Alexander Thom to the honoured list of trustworthy and able writers on Irish affairs.

THE PRESIDENT (John K. Ingram, LL.D.), said—This is not an occasion on which it would be proper to take any formal vote of the Society. But the cordial acclamations with which you have received Dr. Hancock's paper sufficiently show that you agree with the Council in thinking that some such tribute was due to the memory of our late distinguished fellow-member; and also show that you are of opinion that Dr. Hancock has discharged in an appropriate and graceful manner the task entrusted to him by the Council, and has well expressed the sentiments we must all feel in contemplating so useful and honourable a career as Mr. Thom's.

III.—*On the Report of the Select Committee appointed "To enquire and report whether any and what steps ought to be taken to simplify the Title to Land, and to facilitate the Transfer thereof, and to prevent Frauds on Purchasers and Mortgagees of Land," and on the First Report of Her Majesty's Commissioners appointed "To enquire into the Law relating to the Registration of Deeds and Assurances in Ireland."* By James McDonnell, Esq.

[Read, 18th November, 1879.]

To simplify the title to land and facilitate the transfer thereof must always be a subject of much interest in this country, where so large a proportion of the wealth of the inhabitants consists of land. I will therefore offer no apology for bringing under the notice of the Society this evening the Report (dated 24th June, 1879) of the Select Committee appointed to enquire and report whether any and what steps ought to be taken to simplify the title to land, and to facilitate the transfer thereof, and to prevent frauds on purchasers and mortgagees

of land; and also the First Report (dated 12th August, 1879) of Her Majesty's Commissioners appointed to inquire into the law relating to the registration of deeds and assurances in Ireland. The labours of both these bodies extended over the greater part of the years 1878 and 1879, and have produced important proposals for the amendment of the law. The Select Committee treated the question principally as it affected England; the Royal Commission viewed it exclusively in its relation to Ireland.

As regards England, the principal questions considered were two. First, whether any system of registration was desirable; and secondly, assuming that some system was necessary, whether a registration of assurances or a registration of titles was the better system to adopt. In Ireland a registration of assurances having long existed and being on the whole popular, the question was narrowed to the second of the two issues I have named, viz., whether a registration of assurances or a registration of titles was the better.

The title to property in this country depends sometimes on possession only, as in the case of pure personalty, such as a coat or a sovereign. If I hand such things to a purchaser, he is not bound to enquire how I procured them. If the transaction is in market overt, and he does not actually know that I got them wrongfully, his title is complete on delivery, no matter how I acquired them.

Sometimes the title depends on writing only, as in the case of railway shares or government funds. It is not possible to give possession of such things, which are the creation of the human mind only; and in regard to such property the certificate of the railway company or of the bank official is the evidence which the purchaser has of his title. The purchaser has a complete title as soon as he has paid his money, accepted the transfer, and received his certificate thereof, no matter whether the person who sold him the shares or stock had a right to do so or not, provided, as before, that the purchaser did not actually know that the seller was a wrongdoer. If the seller had no right to transfer the shares or stock, the loss will fall on the company or bank which permitted him to do so, and gave the purchaser a certificate that the property had been transferred and was then standing in his name.

And sometimes the title depends on both possession and writing, as in the case of land. The seller of a piece of land must show the purchaser that he is in possession of the land, or (what is equivalent to possession) that he is in receipt of the rents and profits of it, and also he must produce written evidence of the nature and quality of his estate. He must show by writings not only that he or those through whom he derives have had a clear title to the land for a period of not less than forty years last past, but also the nature or quality of his estate in the land. He may be owner in fee or for life only, or for a term of years, or he may only be entitled to the use of the surface of the land, while some one else is entitled to the mines under it, the trees growing on it, or the streams flowing over it, and the purchaser cannot acquire from his seller a better title than the seller had to give.

In the two first instances I gave—of goods or shares—no qualified

interest is recognised. The man in possession of a hat or coat, or in whose name railway shares stand, is, for the purpose of transfer to a purchaser, the absolute owner of those kinds of property, and can give a title discharged of all mortgages, life estates, and other partial or derivative interests. The owner of land can only transfer what he himself is really entitled to ; so that the purchaser has to examine the title, and make numerous enquiries to ascertain that the seller is really entitled to the interest which he purports to convey. This necessitates the production of numerous written documents, and a careful consideration of their contents, and is a process requiring much skill and care, and therefore causing considerable delay and expense.

In most parts of England no registry of deeds or other instruments evidencing title exists, and a purchaser has to find out and get up as best he can all the deeds relating to the title. If he fails to do so it may turn out that he has got a bad or defective title, although he has taken great care and gone to much expense to secure a good one.

In Ireland the purchaser has the aid of the Registry of Deeds. This is an office where the principal dealings with land are registered in such a way that searches can be made against the names of any vendor and his predecessors in title, or against any lands, so as to disclose any dealings entered on the registry and affecting the vendor or the lands sought to be sold. The purchaser is obliged only to regard those instruments which appear on the registry, or those of which he has notice, and is thus protected against the effect of all deeds, etc., of which he has no knowledge. This system, however, adds to the expense, and causes delay.

It costs money and takes time to enter a note of each instrument on the register, to keep the register properly indexed and arranged, and to search it. Hence the unwillingness of many persons in England to adopt this system. Very terrible frauds, however (the Dimsdale frauds and others of a like nature), which lately happened in England have greatly affected public opinion there on this subject. These frauds were effected by mortgaging an estate, and before handing over the deeds to the mortgagee making fac-simile copies of them ; these forged instruments were retained and used for a further loan on the same estate, and this process was repeated until an immense sum of money was advanced upon a single estate of moderate value. Owing to these frauds innocent parties who had investigated the titles on which they advanced their money in the usual way, lost, I believe, nearly half a million of money. It is obvious that if there had been a registry and a search made in it, these frauds would have been discovered, as the first mortgage would have appeared on the register, and any subsequent lender would have declined to advance any more money unless he was satisfied to take subject to the registered mortgage or mortgages. This particular kind of fraud could not be successfully attempted in Ireland, owing to our system of registry, and the first question to be considered was, whether the risk of similar frauds is so great as to make it worth while to incur the extra expense of a registry.

The Select Committee seem to have been nearly unanimous in the

opinion that some system of registry was desirable, but there was considerable difference of opinion as to what that system should be. — Whether it should be a system of registry of assurances, such as the Irish or Scotch system, or of ownership only, such as I have described as existing as to railway shares and stock. A registry of titles has existed in England since 1862, and in Ireland since 1865, but in neither country has the system succeeded.

The idea, however, of having titles to land as simple and its transfer as easy and cheap as a transfer of stock or railway shares, is so captivating, that many persons still cling to the hope that this may be brought about. The finding, however, of the Select Committee in England, and the Royal Commission in Ireland, has been that this system has failed. The Committee do not recommend its extinction in England; but seeing that it is inoperative they report in favour of the establishment of a registry of assurances; while in Ireland the Royal Commission recommends the improvement of the Registry of Deeds and the abolition of the Record of Titles, the name by which the Irish system of registry of titles is known. One of the Royal Commissioners, the O'Connor Don, objects to the abolition of the Record of Titles in Ireland, and states his reasons for so doing in a separate report drawn up with great vigour and ability. It is impossible not to sympathise with him, even while differing from him, and I think it may perhaps be useful to point out why I think this system must fail, and under what altered conditions it might succeed.

From what I have said it will have appeared that a registry of titles is an attempt to deal with land as shares in companies or the public funds are now dealt with, and this is the way in which their case is commonly put forward by those who favour this system. Now I have already pointed out that on this system, as applied to shares and stock, the loss in case of error or fraud falls on the company or bank which permits the wrongful transfer; but on whom is this loss to fall in the case of error or fraud on the occasion of a wrongful transfer on the record? It will not fall on the buyer, as he, from the very conditions of the case, has a parliamentary title. No provision is made that the recording officer should bear the loss, nor would such a provision give any practical security, as the means of such an officer must always be as nothing in comparison to the value of the property committed to his charge. The loss therefore falls on the innocent owner, who loses his property by the error or fraud of persons over whom he has no control, and of whose acts he was wholly ignorant. This is to my mind a very strong objection *in limine* to this system, and would be sufficient of itself to deter me from placing my estate, if I had one, under it.

But, it may be said, the likelihood of error or fraud is very small, and the risk is a theoretical, not a real risk, as is evident from the fact that public companies and banks lose very little by this means. This is in some degree true as regards frauds, but even with respect to them, it is to be observed that a fraud by which a large company or a great bank loses a sum of money is much less injurious in its effect than that by which an individual suffers a like loss. It is in the one case divided over many persons, each of whom suffers a very

trifling loss; in the other, it falls with crushing weight on a single individual. But the comparison fails altogether when we come to risks arising from errors. The likelihood of loss from this source in the case of companies or banks is very trifling. The form of transfer is exceedingly simple, the only possible variation between one deed and another being the date, parties names, and amount of stock transferred. But with respect to a conveyance of land the case is very different. The description of each piece of land differs from every other piece. Each piece of land is or may be subject to rights, easements, leases, etc., peculiar to itself, and may have appurtenant to it many rights affecting neighbouring lands—such as rights of taking water or turbary from them, or rights of way over them. All these things make a transfer of land even in its simplest form a matter requiring much care and attention, and the risk of mistakes is considerable.

Again, only one absolute interest (for the purpose we are now considering) can exist on the register of shares [and stock, but various interests in land may appear on the record of title. Thus the transfer may be of a fee, of a life estate, of a term of years, of a mortgage, of a lease, of some right or easement affecting the land, and it requires not only great care but considerable legal knowledge to describe rightly on the record the nature of the interest transferred to the purchaser. Accordingly we find that a certificate showing that A.B. is the owner of any, no matter how large, an amount of shares in a company, or of stock in the public funds, is a short and simple document, never occupying half a sheet of note paper, and the effect of which cannot be misunderstood by any one of the most ordinary intelligence; whereas a certificate of title is often a document running over many skins of parchment, and requiring much care and knowledge to understand it fully.

The evidence given in the report which we are considering shows that mistakes are by no means unknown, particularly in respect to the quality of the estate transferred. If the whole estate is transferred to one person the description of the parcels is made by reference, so that mistakes in the description of the parcels are less likely to happen; but as subdivisions occur the likelihood of mistakes of this kind will increase. No interest save an absolute interest can appear on the register of stock or shares, but an instrument—usually a settlement or will—may be brought into the record office, giving to the grantee some partial interest. If this instrument is recorded, some one has to put a construction on it which shall bind all the world, and if the recording officer takes upon himself to do so his construction will have that effect. Now a large part of all the litigation which exists as to real estate turns upon the construction of the settlements which affect it. A settlement is made either by deed or will, and is usually for the purpose of arranging how a man's descendants are to enjoy his estate after the death of the settlor, who often provides, not for the events which really happen (for no man can see into the future), but for those events which he would like or expects to happen. Thus it will frequently occur that a will has to be construed in reference to facts which were not in the testator's mind or imagina-

tion when it was drawn up, and extreme difficulty is found by the ablest lawyers and greatest judges in deciding what is its effect. So much is this the case, that even when they are empowered by law to act otherwise, judges will generally decline to construe a document until all the parties interested are adult and brought before them. When an instrument of doubtful construction, and affecting unborn persons, or persons not *sui juris*, is brought in, if a construction is put on it *ex parte*, wrong may be done to third parties who had no opportunity of arguing their right; or if no construction is put on it, the record is practically suspended, and the estate is substantially in the same position as if it were unrecorded.

The Registration of Titles Act of 1862 and the Record of Titles Act of 1865 were both framed on the same principle, and their object was to show on the registry or record every interest affecting the land. This was not in accordance with the principles laid down in the Report of the Registration of Titles Commission of 1857, which proposed to admit to the register only the fee, charges, and leases. But little success attended the working of the Act of 1862, and the present government, in 1875, altered the law in conformity substantially with the recommendations of the Commission of 1857, and following more closely the mode of dealing with respect to railway shares and public funds.

Still less has been done under the Act of 1875 than under that of 1862. It can hardly be said that this is owing to any unfavourable experience of the working of the Act: first, because sufficient time has not elapsed; and secondly, because hardly any cases have been registered under it. I ventured, however, to point out in a paper which I read before this Society in 1858, the reasons why I thought this system must fail. As I have already mentioned, the only interests recognised on the register under the Act of 1875, are the fee and incumbrances, which include leases, dower, and curtesy; all other partial or derivative interests are protected by cautions or inhibitions. The registered owner can, if all cautions and inhibitions are withdrawn, convey the estate subject only to such incumbrances as are stated on the register. If, therefore, the cautions and inhibitions are withdrawn by fraud, ignorance, or error, the registered owner can convey an indefeasible title, and the persons claiming under the cautions or inhibitions are left without remedy, so far as the land is concerned. They may pursue the money if they can, but their remedy against the land is gone. It therefore becomes of great importance to see what security there is against the improper withdrawal of a caution or inhibition, and how they can be discharged from the register.

A caution will prevent any dealing with the land affected by it until a notice shall have been served on the cautioner warning him that his caution will cease to have any effect after the prescribed number of days next ensuing the date of such notice, which shall be duly served by sending it through the post by a registered letter to the registered address of the cautioner. From this it is obvious that a caution can only be relied on for a short time, while the cautioner is taking steps to enforce some right, as if depended on further, the

absence of the cautioner on a visit to a friend or a trip abroad might have the effect of destroying his right *in toto*.

An inhibition is an order prohibiting for a time, or until the occurrence of an event to be named in such order or entry, or generally until further order or entry, any dealing with any registered land. Now suppose that an inhibition is procured by the trustee or other person interested under, say, badly drawn marriage articles, inhibiting until further order any dealing with the lands comprised in the articles, what is this but the registering of a deed affecting the lands in the most objectionable form? The title is effectually blocked, and if the marriage articles are lost, is in the same position as an estate which the purchaser knows is settled by some deed the contents of which are unknown to him. No judge or register will remove the inhibition until he is satisfied by the production of the documents and evidence on which it was procured that it is right to do so, and the documents which could satisfy him on this point are lost or destroyed. In what respect is that better than an ordinary title under the existing law? In truth it is worse, because if it were not registered land it might be sold with conditions of sale, but being registered it cannot be dealt with at all until the inhibition is removed.

In the foregoing observations I have considered only the case of persons who are protected by cautions or inhibitions; but the same arguments will equally apply if the protection is afforded by transferring the ownership into the names of trustees. If the trustees are either fraudulent or ignorant they may ruin their *cestui que* trusts by transferring the property on the register. If they are honest and well-informed as to their duty and responsibility, they will probably refuse to transfer without the direction of a court of competent jurisdiction, and thus put their *cestui que* trusts to the expense and delay of an equity suit. I know it may be urged against what I have said that these trustees can do no more with the land than they could do with stock or other personal estate not being chattels real. This is quite true; but I think the trusts of real estate require to be better guarded than those of chattels; for they are, partly by custom, and partly by the nature of such property, more onerous and intricate, continuing for longer periods and therefore more likely to be misunderstood or badly executed. The ordinary trusts of a marriage settlement of personal property (stock for instance) are for the husband for life, then for the wife for life, then for the children of the marriage in certain proportions absolutely. There is seldom much delay in winding up the trusts of such a settlement after the fund becomes divisible among the children, as it is a property easily divided or sold, and the proceeds distributed as may be right. None of the family have any wish to preserve it entire, and it is rarely subject to incumbrances, for this, among other reasons, that people do not like to advance money on the security of a property which they cannot follow in the hands of a purchaser.

The trusts of a marriage settlement of land are generally for the husband for life, and then for the first and other sons in tail, subject to a jointure for the wife and portions for the younger children. The trusts of this settlement are by no means likely to terminate on the

death of the husband and wife. The family may have associations connected with the property, and be unwilling to sell it. The importance of the eldest son would be diminished by a sale of part of his estate, and his influence and that of his family lessened thereby, or at least they think so, and accordingly, on the death of the tenant for life, no part of the estate is sold, nor the younger children paid their portions, but only the interest of them, and if one of the younger children wants his money the estate or a part of it is not sold to pay him, but his charge is assigned to some one else. The portion of another is settled on his marriage; that of a third mortgaged to his creditor; and when at length a sale is desired the title is in a very complicated state. In these circumstances the trustees are required to transfer the estate on the register. No trustees, however, who are both solvent and sane will be induced to do so without the protection of a court of equity, for in no other way could they hope to escape responsibility of the most serious kind. They would, if they acted, be taking on themselves the functions of an equity judge without his immunity from risk or loss in the event of an erroneous decision.

I have chosen the simplest cases to illustrate what I mean; it is, however, quite obvious that the complications might and probably would be much greater than I have mentioned, for the estate may be subject to cautions or inhibitions, and registered in the name of trustees at the same time, one class of interests being protected by cautions, another by inhibitions, and a third by trustees, who would also be affected by notice of any equitable dealings with the estate of which they had been informed. Trustees thus placed would not generally take on themselves the execution of such onerous trusts, and the equity courts would probably be called on to execute all trusts of real estate.

It is probable that professional hostility and the break-down of the Act of 1862 are the immediate causes of the failure of the Act of 1875. But if by any means it ever comes into general use, the objections which I have mentioned will be found seriously to affect the system. It is claimed for the Irish recording system that it is cheaper than the present system of conveyancing. This is true with regard to an estate not put in settlement and frequently changing owners; but I think that over a period, say, of fifty years, the conveyancing of a family estate, the subject of settlements, will cost its owners less on the old than on the new system. On the old system there is rarely any expense beyond the actual cost of preparing and executing the necessary documents. The parties interested are generally known to each other, and all proof of identity, deaths, pedigree, and such matters are therefore unnecessary. But when you come to ask a public officer to give a parliamentary transfer on the record, all these things must be proven as in a contested action. I do not know the signature of the settler or vendor, and I require proof of the execution of the transfer by him. If an heir-at-law calls for a transfer, I require proof of the fact that he is heir, and of the death intestate of his ancestor, and I also require advertisements of the intended transfer, lest a will may be in existence unknown to the

heir. All this costs money, and would in most cases be wholly unnecessary as between the parties themselves.

In the case of stock or shares, the person entitled cannot draw his dividend until the stock or shares are transferred into his name; therefore in the case of such property the title is always written up, and the name of the person entitled to give a receipt for the dividends is always on the register. Thus, if my father dies and leaves me his stock, I must have his stock transferred into my name before I can receive the dividends. The bank will not recognise my right to the dividends, nor can I maintain an action or give a valid receipt for them till this is done, and therefore I will proceed at once to effect the transfer on the register. But with respect to land the law is quite different. If my father leaves me his recorded land I can give valid receipts to the tenants, and maintain actions against them, without transferring the land into my name on the record. Not only this, but I can do so even if he gives the land to a trustee, who holds in trust to sell, etc., and, until sale, to my use as tenant for it.

There is, therefore, no legal obligation to record a transfer at the time that it takes place. The inconvenience from not doing so is not felt until dealing with a stranger becomes necessary, and there is a natural indisposition to incur expense or to take trouble without an immediate advantage. In consequence of this, family dealings are seldom or never recorded as they occur, and when a dealing with a stranger becomes necessary, the supposed value of the record is found to be almost *nil*, for the recorded owner is generally a former and not the present owner, and the present owner has to proceed to write up the title so as to get the estate into himself; and, as I have pointed out before, he has to do so in a more expensive form than would probably be required of him out of court.

It will, I think, appear from what I have said, that, to make a system of recording work, our law of real property would have to be altered in several material respects.

You must abolish settlements and entails.

You must deny to an unrecorded owner any right of entry or action in respect of recorded land.

You must either repeal the statute of limitations as to recorded land or you must require some evidence of delivery of seizen on the transfer to a purchaser.

These would be great and fundamental changes in our law; but I think they would also be beneficial changes, and if they were effected I think a system of recording title would work—not indeed as well as a register of stock or shares, for the different natures of the two descriptions of property would render that impossible, but still it would work effectively and well. Until these changes are effected I do not think any system of recording will work either well or cheaply. In fact we have mistaken the order in which our reforms should proceed. We have, as it were, attempted to drain a field without seeing first whether there is any outfall for our drainage, and our drains are consequently choked and will not work. We must retrace our steps, and either abandon our scheme of drainage altogether, or we

must first provide the necessary outfall, and then work our drainage in connection with it.

I have heard it remarked that the order in which reforms are made is often a most important part of the reform, and it seems to me obvious that in the instance before us failure is due to a disregard of order. I am quite aware that the reforms I propose are sweeping, and may not be carried easily or soon. On the other hand, I see that the attention of public men on this subject is being aroused, and I think a reform in the direction I have advocated may not be as far off nor so hopeless an undertaking as many people suppose. I look on such a reform as essential to a simple system of land transfer, and indeed to the proper cultivation and improvement of land also, and I think that it is better to labour patiently for this and wait, rather than to spend time and labour on a system which has failed, and, under existing circumstances, will not only continue to fail, but will throw general discredit on land law reform.

I have a very large experience of the working of the law of settlement and entails, and in a paper read before this Society in 1868 I tried to point out the injurious social and economical effects of those laws; and I cannot help thinking that the more the question is considered the plainer will become the necessity for their abolition.

But even supposing a perfect and popular system of recording titles were started, with the strongest desire on the part both of the public and the legal profession to work it effectively, it would take a very long time to bring all the land in Ireland under its operation. The tenement valuation of Ireland is about £12,000,000, and we may roughly estimate the entire country as worth thirty years' purchase of that valuation, viz., £360,000,000. Now the Incumbered and Landed Estates Courts since 1849 have disposed of about £50,000,000 worth of land. Calculating from these data, I compute that it would take about two centuries to bring all the land of Ireland on to a register of titles. It is obvious, at any rate, that the process would occupy a very long time, and that therefore the question of improving the existing system is one of great practical importance—even on the assumption that the recording of title is the better system and destined ultimately to prevail. Nay more, an improved system of registration of assurances would lead up to and aid the establishment of the recording system, if that be found desirable, by greatly reducing the expense and delay of making a title through the Land Court.

At present when a conveyancer reads a title, he directs searches against the names of the owners and the lands sought to be sold; but there is no authorized or legal name for any land in Ireland, and it is necessary to collect all the names by which any parcel of land is known, or has been known, and search against all those names; and if you do not succeed in ascertaining them all you may suffer loss.

As an illustration, I may mention that the Midland Great Western Railway Company bought part of a farm, which we shall call Blackham, for the purpose of their railway. They investigated the title, and paid the purchase-money, and took over the land in the ordinary way. A few years after a gentleman called on them to pay a judgment mort-

gage vested in him and affecting the farm. They looked into the matter, and replied that no such incumbrance could affect the lands as none such appeared on their search. It turned out, however, that the original vendor had built a hunting lodge on the farm and called it Fox Lodge. The judgment had been registered against this name, and the company had to pay it, although they did not know the lands by that name, and it did not appear on the ordnance maps nor in any of the title deeds.

Now it is obvious that if you could for purposes of registry assign one certain legal name to each parcel of lands in Ireland, you would not only render impossible such a loss as the railway company sustained in the case I have mentioned, but you would reduce the expense of registry and of searches very considerably, inasmuch as every additional name causes additional entries when registering a deed, and additional labour when searching.

The Report of the Royal Commissioners recommends the adoption of the ordnance townland names as the names by which lands should be known for the purposes of registering. This would at once enable the lands' index in the registry to be kept from the first in complete dictionary order, without any possibility of error, and it would greatly reduce the number of entries, and the labour of searching.

I very much regret to find that a great number of the solicitors who gave evidence before the Commissioners are opposed to this obviously great improvement, and I am not a little surprised at the reason they give, for it is to my mind tantamount to an admission that they entirely neglect one of their most important duties in investigating a title. They say, in effect, if the names in the title deeds and those on the ordnance maps are not the same, we cannot and should not be asked to identify them. It therefore appears that if the title is a good deduction of title to an imaginary name that a solicitor does not consider himself bound to see that there is any parcel of land in existence answering to that name. If no land can be shown to answer the names and descriptions in the deeds (and this is not so exceptional a case as might be supposed), the title, no matter how good on paper, is obviously worthless. If, however, either the seller or buyer can point out the lands either on the ground or on a map, there is no difficulty whatever in ascertaining the ordnance names of those lands. The ordnance names are familiar to all persons in occupation, they are named in both county-cess and poor-rate receipts, and they are the names by which the lands are described for all purposes of taxation, and also in all dealings with the Board of Works. Wherever townlands are shown on the ordnance maps this improvement could be introduced at once, and at the same time regulations should be made as to the mode in which alterations should be made in the ordnance boundary of townlands. As regards towns, it would probably be better to divide them into convenient arbitrary districts, to be shown on ordnance maps to be prepared for that purpose under proper authority.

Again, many acts which will turn up on the search will be general charges, not naming any lands but dealing with all the estate of John Stiles. Now if John Stiles is the name of one of the persons through

whom the title under investigation is derived, that act must be explained. It must be shown that the John Stiles who executed that deed is a different John Stiles from the John Stiles against whom the search has been made. This is often difficult and expensive to do. But if no such acts were admitted to the register this cause of expense would be avoided. It is said that deeds have sometimes to be hastily drawn from imperfect information, and hence the necessity of admitting general charges to the register; but it is not reasonable that those persons who transact their business with deliberation and care should be put to extra trouble and expense in order to convenience the less careful portion of the community.

When a deed is presented for registration, it is indexed in the index of names against the name of each grantor; but it often happens that only one or two of several grantors have really any beneficial interest in the lands conveyed, the others being naked trustees or other formal parties. If any mode existed by which the names of the merely formal parties could be omitted from the index, the registry would be still further simplified; and this might be done to some extent by requiring that formal proof should be given of the execution of the deed by each person against whose name it was sought to register it.

I think it is not improbable that the adoption of these three improvements, all of which are recommended by the Royal Commissioners, viz. the adoption of the ordnance survey names alone for the purpose of registry, the exclusion of general charges or deeds naming no lands from the registry, and limiting the names of the grantors against whom the deed should be registered, so as to confine the registry as much as possible to the material grantors, would reduce by more than half the number of entries on the registry, and at the same time greatly increase the facility of searching; because the adoption of the ordnance names would render it possible to keep the lands' index in complete dictionary order at all times. At present it only approximates to that standard, and the difference will be understood by supposing a dictionary so arranged that all the words beginning with "ab" are entered together, but as between themselves promiscuously, and also more than once, and that I want to find how often any word beginning "ab," say "absent," is mentioned in the dictionary. It is obvious that to ascertain this I must read every word in the dictionary beginning "ab;" whereas if the arrangement were perfect, I should at once find all the "absents" in their proper place, at a great saving of time and labour, and also with much less risk of mistake. The cost of title would also be considerably lessened. No acts would, under such a system, appear on the search which did not really affect the lands searched against, and but few which did not affect the parties.

The report of the Royal Commissioners also makes important and useful suggestions as to the form of memorials, the registration of wills, orders, *lites pendentes*, and other matters which would make the registry office more complete and useful in reference to titles. It also suggests the use of photographic printing, and other similar processes for making copies in the office. I think it might usefully

have added a provision authorizing the introduction of any other scientific or mechanical contrivances which might be approved of by the Treasury or other body having the management of the department committed to it. No such contrivances have been as yet sufficiently elaborated to justify their introduction; but it is a mere question of time as to when important improvements (such, for example, as printing in bound books) will be perfected for use; and it would be a great advantage to be able to introduce such improvements as they are produced, without having to wait for the authority of an Act of Parliament for their introduction.

It would also be an advantage, if the Record of Titles Act is repealed, to enact the Debentures Act as a substantive measure. Great economy would be secured by doing so, and all the advantages of the system in use with reference to transfers of railway shares and government stock could readily be secured for the debentures issued under that Act—thus preserving for charges on land all the benefits of the simplest mode of transfer.

The scope of the enquiry before the Select Committee was larger than that before the Royal Commission, and the Committee therefore recommends some large and excellent reforms, the most important of which are the abolition of the present scale of conveyancing charges, and the introduction of a graduated *ad valorem* scale of payment, and short statutory forms of deeds, the appointment of a real representative to a deceased owner of land, with powers in respect of it similar to those of an executor or administrator over chattels, and the repeal of the statute of uses: the Committee does not go into the question of settlements or entails, as they deemed that beyond the limits of the enquiry submitted for their consideration. This is to be regretted, as these laws are the principal source of intricacy and complication in titles, which cannot be greatly simplified until they are altered. Nevertheless, these two reports contain most valuable suggestions for the simplification of the title to land, and for rendering its transfer cheaper and more secure, and the registry office in Ireland more useful and efficient, and may well be accepted as a substantial advance in the path of reform.

IV.—*Poor-law Administration as it affects Women and Children in Workhouses.* By Mrs. Morgan John O'Connell.

[Read, 9th December, 1879.]

I.—“*The Poor ye have always with you.*”

WHILE the Irish Poor-law system is giving much matter for thought to the legislator, the statesman, the philanthropist, and the political economist, there are certain aspects of the question almost too lowly, simple, and domestic, to come prominently before them. There are yet the homely sides of the question that come under the notice of a country lady, widow and daughter of energetic ex-officio guardians, and who, as a land-owner, employer of labour, and signer of red tickets,