an' holler, 'A-hoo! A-hoo-a!' an' ole 'Bias he don' wanter wait fur ter heah wha' de sperrit gotter say; he ain' got no time fur ter git he shoes, but he jes light out f'om dat ar place quick, in he bar' foots!

"Arter while dey hatter bury er dead nigger in de graveyard; den we fin' out wha' make de hant. Dar in de cornder er de worm-fence, wid he gray clo'es done all spotted wid blood, were de body uv er Cornfedrit sodger; he were woun'ed, an' were er-comin' home, but he could n' git no furder, an' he jes laid down ter res' whar de po' ole niggers sleeps. Well, dey buried him in de fambly buryin'-groun', 'longside er Marse Roy. Dey don' know who he be, but dey w'ar de same clo'es, an' dey fit de same fight, an' dey was brudders in de principles!

"Well, de hant still walk roun' de buzzard's nes' tree, an' we don' know wha' he want, fur dar ain' nobody try ter 'view 'im sence ole 'Bias, an' dar ain' no nigger on dis heah place dat 'll go d'in[1] er mile er it at night; an' 'pear lack he 'll walk an' walk, twel de 'lenium[2] come fur ter let 'im go!

"Yas, sir; if de buzzards don' buil' in de ole nes' dis yeah, dar gwine come trouble on dis heah plantation, shore!"

"Uncle Abner, do you reckon the hant 'll catch me if I run all the way between here and the house?"

"De Lord bress your soul, chile! hain't you gone ter bed yit? You Silvy, tote dis heah chile up ter de house, quick! Miss Kate 'll be er-thinkin' dat dese trompers done steal him, shore!"

"Good night, Uncle Abner."

"Bress your leetle heart! good night, honey!"

Virginia Frazer Boyle.

[1] Within. [2] Millennium.

THE AUSTRALIAN REGISTRY OF LAND TITLES.

THE hearty approval which has been given to the method of voting known as the Australian ballot, and its adoption in several States, may rightly raise the question whether a body of Englishmen brought up under the English common law, containing among their number an unusual proportion of well-bred men, migrating to colonies of great productive capacity, may not have found out many other ways to improve upon English methods before such inherited methods had become wholly incorporated or ingrained in the customs of the people of the new States.

In one respect, at least, the settlers in the United States improved upon the mother country in establishing a registry of deeds. But the Australians seem to have made a long step in advance even of ourselves in the matter of registering titles to land, and by the same process assuring indefeasible possession, while taking possession of the deeds or evidences of title after the registrars have passed upon them.

To the mind of the writer the distinction between the registry of a deed and the assured registry of title was not at first very plain; it may not be very apparent to the readers of THE CENTURY who are not of the legal profession until it has been explained by one who is also not learned in the law.

The registry of deeds suffices to put upon a public record the conveyance of all claims to the possession of land, good, bad, or indifferent, whatever they may be; but it does not clear or assure a title. Through ignorance or carelessness in making deeds, this public record may even bring the possession of land which has once been clear and free from any cloud into a condition of complexity and doubt, and it may, as time goes on, increase rather than diminish the defects and may cloud more and more the titles to land.

The registry of titles, on the other hand, according to what is called the Torrens system, which has been adopted throughout Australia, New Zealand, and in British Columbia, clears all fair and honest titles, removes all existing clouds, and gives the occupant whose title passes the examiners in the first instance indefeasible possession; while at the same time rendering the future transfer or conveyance of the land as simple and as ready as the transfer of a share of railway or factory stock now is in this country, and reducing the cost of conveyance, as it has been well put, "from pounds to shillings."

The legal aspect of this question might well be presented by some one who is learned in the law. The writer purposes to give only a simple description of this method, which was introduced into South Australia in the year 1858 at the instance of Sir Robert R. Torrens, who was first an officer in the customs department and subsequently colonial treasurer. This gentle-

man had gained a good deal of experience in the customs department in passing the indefeasible titles to ships by a registry. Upon entering upon his duties in Australia, his attention was called to the growing complexity in the system of land tenure, which was then conducted in English fashion under the law of primogeniture, the system which on the decease of the owner vested the title to real estate in the eldest son. He conceived the idea of establishing a system of surrendering all deeds to land, coupled with a registry of title by the state in a manner corresponding to the sale and registry of the titles to ships.

His purpose has been most fully accomplished, and the benefit which has ensued could not be more concisely stated than in the book of Mr. Franklyn entitled "A Glance at Australia in 1880." Mr. Franklyn, page 126, writes thus:

> Nor must we forget to remind our readers in England that under the Land Transfer Act (New Zealand), which is almost a transcript of the admirable measure introduced into South Australia by Sir Robert R. Torrens, and afterward adopted by the legislature of Victoria, real estate can be bought, sold, or mortgaged by a very simple and inexpensive process. The Government guarantees an indefeasible title; and all transactions relating to land are so expeditiously and cheaply effected that, in the year ending the 30th June, 1879, the cost of each of 17,422 registration sales and mortgages, covering property to the value of £7,585,291, was only 22*s.* 9*d.* Let any one who knows anything of conveyancers' bills in the mother-country ponder well upon the full force and meaning of these highly significant statistics. Land can be dealt with as easily as a share in a ship or a joint-stock company, and with the same security as regards title. Trusts are not registered; but instruments declaring trusts may be deposited with the registrar for safe custody and reference. These deeds are binding between the parties to them, but they in no way affect persons dealing with trustees who are registered proprietors. Under the Land Transfer Act it is not necessary to examine the deeds in the abstract of title; these no longer exist. They have been delivered up to the registrar, and when a certificate of title is granted they are canceled. An investor, therefore, does not run the risk of a mistake or blunder of his solicitor. Every transaction has its finality and complete security.

The Torrens system opens the way to this useful end in a perfectly simple and safe manner.

Leaving, therefore, all the legal aspects of the case for treatment by others, the writer will deal with this subject in a popular way, treating only the existing laws of the British colonies in a way that may be readily comprehended. In doing this he will refer to a pamphlet (undated) published by the Cobden Club about the year 1881, which contains essays and addresses which were prepared by Sir Robert R. Torrens in his futile attempt to overcome adverse influences in Great Britain, which have thus far prevented the introduction of this system into his native country. This pamphlet is published by Cassell and Co., price 6*d.*; it can be ordered from their place of business in New York. The writer will also refer to very instructive letters received by himself, in answer to his inquiries, from Mr. T. V. Townley, Registrar of Titles in British Columbia, and from Mr. J. M. Thomas, Secretary, and Mr. W. M. Bacon Carter, Registrar-General of the Colony of South Australia, from whom he has also received copies of the acts under which the land titles are now registered.

The acts consulted by the writer are chapter 67 of the Acts of the Legislative Assembly of the Province of British Columbia, 1888; and Act No. 380, known as the Real Property Act of 1886 of the Colony of South Australia, in which all previous acts were consolidated, subject to only three amendments since that date, which are contained in Act No. 483 of 1887. The writer has also been furnished with data by the Surveyor-General of western Australia, and has obtained valuable information from the officials of New Zealand.

Reference may also be had to the excellent "Consular Report" of Consul G. W. Griffin, Nos. 110 and 111, page 760, published by the State Department of the United States.

The writer is thus definite in giving references to documents which can be readily obtained, for the reason that it can hardly be doubted that it may become expedient for the people of many States in this country to give close attention to the subject. In the Southern States especially it will soon be absolutely necessary to take measures to clear the titles to land.

Without making further specific reference to these authorities, the following simple treatment will cover the main points of this system. I shall incorporate in this treatise many statements in substantially the same form as they are given in the authorities which I have cited, without confusing the text by marks of quotation. My object is merely to give a clear and concise digest of what has come to my hands upon a subject about which I had no previous knowledge until, among many of the benefits of being a member of the Cobden Club, the essays of Sir Robert R. Torrens were sent to me. Even then my interest was not fully excited until the merits of the Australian ballot were developed in practice in this country.

It should be remembered that no one is compelled to bring his land upon the registry of titles; if one prefers to rest upon the regis-

try of deeds as now established, there is nothing in any of the acts to prevent his doing so. If, however, a title is once registered, it cannot be withdrawn, because all deeds are then surrendered and the register of the deeds must be closed. Transfer by registered title thereafter takes the place of the execution of deeds.

It may be remarked that the change could be made in this country much more readily than in a country where there had been no previous common practice of registering deeds, and therefore no adequate preparation. Whereas there are now established registry offices and public officers empowered to register deeds, therefore the registry of titles could be established so as to be conducted by the same officers, to whose number would be added the examiners of titles prior to their admission to the registry. It would be very easy to provide for the payment of the examiners of titles by established fees suitably governed according to the amount of work and the value of the property, so that the same conveyancers who are now employed by owners in passing a title would be employed by them in putting that title on the registry. A long time would elapse before the whole land had been treated; therefore while in the end the number of conveyancers would be very much diminished, yet for a considerable time even more work might be required of them. In the interval the work of the title insurance companies would also be of great service, but their function would probably be gradually converted into that of mortgage security companies lending money on registered land titles.

What then may be done to promote this change, if it proves to be expedient?

Conveyancing by deed without registration is the common rule in England; registering deeds, the common rule in the United States. Conveyancing by registration of title was not new when Sir Robert Torrens applied it in Australia, although it is said that his attention was first drawn to the subject through his experience in the registry of ships. It has been in operation for over a century in Prussia, in Bavaria, and in other European states, notably in Hamburg, which until lately was one of the free cities, where a similar system has been in operation for over six hundred years. Purchasers of estates in Paris may also obtain an insured title by payment of a small fee to the city.

In Australia the method of procedure is described as follows: The person or persons in whom the fee is claimed to be vested may apply to have the land placed on the registry of titles; these applications, together with the deeds, evidences, and abstracts of title, accompanied by plans of the land, are submitted for examination to a barrister and to a conveyancer, who are styled examiners of titles, who examine the titles exactly as they would on behalf of an intending purchaser, if the title were not to be registered. The report of the examiners is made to the registrar. If the title is a good holding title, the application is admitted. Should the applicant fail to satisfy the examiners, it is rejected. If there is evidence of title wanting, of which the reputed owner can compel completion, notices corresponding in many respects to those required in our probate courts are served, according to the nature of the case. Notices are served, if any are required, as the examiners may indicate, upon any person likely to be interested in law or equity who has not joined in the application, and upon owners and occupiers of contiguous land. These notices set forth the purport of the application, and intimate that unless objection be made by lodging a *caveat* within the time prescribed by the registrar, the land will be brought under the provisions of the act and an indefeasible title will be granted to the applicants. If within the time appointed a *caveat* is lodged, the action of the registrar is suspended until it is withdrawn, or until a final judgment of the supreme court can be obtained upon the question raised. These notices are given by publication, and are complete and final.

The certificates of title are issued in duplicate. These certificates set forth the nature of the estate of the applicant, whether a fee simple or a limited ownership; they notify, by memorials indorsed, all lesser estates, leases, charges, easements, rights, or other interests current or affecting the land at the time. Ample space is left for the indorsement of subsequent memorials recording the transfer or extinction of future estates or interests.

Applicants are not subjected to the expense of putting the paraphernalia of a court of justice in motion, unless there be some adverse claim to be adjudicated upon.

It is held that "indefeasibility is indispensable if the dependent or derivative character of titles, out of which all the evils of the English system originated, is to be got rid of." But yet, since in spite of every precaution a mistake may be made in granting indefeasible titles, a small charge is made at the rate of one halfpenny in a pound sterling, which amounts to twenty-one one hundredths of one per cent. (say one fifth of one per cent.), upon the value of the land when first brought under the system, and upon the value of the land transmitted by will, or upon the intestacy of the registered proprietor. This almost inappreciable sum has been found far more than sufficient for the object. A large insurance fund has accumulated in each colony during the period in which the act has been in operation.

It was held that this principle of compensating a rightful owner by a money payment, if perchance a lawful claimant had been deprived of land by an error, instead of allowing him to recover the land against a good holding title, would commend itself to the sense of natural justice, as contrasted with the principle of English law which in such case would place an owner in possession not only of his inheritance of the land itself, but also of the capital of parties who, being wholly innocent of all fraudulent intent, may have invested their fortunes in buildings and other improvements thereon.

On the other hand, it was held that a great economic principle would be subserved by a system which would give absolute security to the employment of capital in improved land. At the time of the publication of Sir Robert R. Torrens's essays in 1881 he was enabled to say that the practical result had already been to add largely to the wealth of the community by restoring to their value as building sites many blocks of land which had been deprived of that special value by technical defects and uncertainties attaching to the title. Subsequent evidence more than sustains the testimony of Sir Robert R. Torrens.

The rules in respect to the registration of mortgages are equally simple. The evidence of many parties who have borne testimony in parliamentary investigations of the subject, and in other ways, is conclusive on this point.

In 1879 Sir Arthur Blyth, Agent-General of South Australia, in which colony he had resided over twenty years, holding a high political and commercial position, testified before a committee in the House of Parliament as follows:

> Registration of title is almost universal; for one transaction under deeds now there are one thousand under the Real Property Act; it is a curiosity if you get a person with deeds. To a person wanting to borrow money of me, I should say, first, "Real Property Act, I suppose?" Then the next thing would be, "You do not want a lawyer, I suppose?" He would probably say, "No." I should then say, "Come with me to the registry office; you have got your certificate with you." I should draw out a mortgage on the counter at the registry office, where printed forms are provided, have it witnessed and handed to the clerk, saying to him, "It will be ready to-morrow afternoon, I suppose?" When the mortgage is paid off, the transaction is even simpler. Suppose you were the mortgager and I were the mortgagee. Before you give me the money I should sign this receipt before a well-known person, and give it to you, and let you go and clear your title.

To the suggestion adverse to the adoption of this system in England, derived from the more recent origin of titles in the colonies, it was held that many of the titles there dealt with, and those among the most valuable, dated back sixty years or upward; and that owing in part to unskilful conveyancing in the earlier days, and in part to the frequency of dealings with land in new countries, complexities and difficulties no less grievous than those which oppress the landed interest in the United Kingdom had been superinduced upon comparatively recent titles.

These difficulties and clouds appear to have been fully cleared.

The registrar of New South Wales reported in 1881 that although the Real Property Act, or Torrens system, had been in operation eighteen years, no compensation had been made upon the titles registered, nor had any claim been sustained against the assurance fund, which at that time amounted to a little over thirty-eight thousand pounds sterling.

Under date of February 4, 1890, Mr. W. M. Bacon Carter, Registrar-General of South Australia, in answer to questions put to him by the writer, gives the following information:

> The Torrens system is working satisfactorily. It has been established so long (since 1858) that all doubts as to the benefits of the system have nearly vanished. The area of South Australia in acres is 243,244,800. There had been alienated from the crown since the foundation of the colony 6,963,961 acres, of which 5,793,707 had been brought under the Real Property Act. The assurance fund continues to accumulate, and on the 31st of December, 1889, it amounted to eighty-two thousand pounds.
>
> In this colony the estate of deceased persons is vested in all cases in the executors or administrators, instead of the devisees or next of kin, the onus being thrown on the executors or administrators to transfer to the persons beneficially entitled. The law of primogeniture was abolished in 1867, and the real estate in cases of intestacy is administered in the same manner as the personal estate.
>
> The owners of land which has not yet been brought under the act steadily apply whenever they desire to deal with the land, not before. If an owner can prove a title by possession for the requisite number of years provided by the statute of limitations, and can show that the true owner was under no disability when such adverse possession commenced, his application would be passed.

In the colony of British Columbia a slight change has been made: the indefeasible title is not granted until after seven years have elapsed from the first application. The act which is now in force in this colony was framed by a special commission appointed by the local legislature, and was brought into effect in 1870. Before that date a system of recording deeds was in use, but the business done was very trifling. The whole province is now un-

der the later method. It differs from the Torrens system in two important particulars:

First. There is no guarantee fund on the first registry.

Second. The certificate of title first issued is only a *prima facie* title of record.

To effect registration of an absolute fee, the following course is pursued: The application is filled out. It is then the duty of the registrar to examine all title-deeds produced, and if satisfied that the applicant has established a *prima facie* case, a description of the property is recorded in a book called the Absolute Fees Parcels Book, and is also entered in the Register of Absolute Fees, in which is given a short epitome showing the nature and legal effect of the title. A certificate is then issued. After registration for seven years the owner may apply for an indefeasible title. If after advertising for three months no adverse claim is made and substantiated, he obtains a certificate of indefeasible title, good against all the world except the crown. The registrar must be a duly qualified barrister or solicitor. The best evidence that the act works satisfactorily is that no certificate of title has ever been attacked since the beginning of registry under the act in 1870. The popular verdict is entirely in its favor, for every title is sifted as it comes in, and the mistakes of ignorant conveyancers, or those arising from other causes, are rectified before they are allowed to affect the title. One great advantage is that any one can search a title for fifty cents. The great expense arising from the registration of deeds is entirely done away with.

The ordinary fees for registration are as follows: A fixed fee of $2.25 on each registration and in the case of an absolute fee; in the latter case one fifth of one per cent. of the declared value of the land up to $5000, and one tenth of one per cent. of the value over that amount, is paid. Suppose a person declares the value of his land at $7500, and applies to register the title:

The fees are, fixed	$2.25
One fifth of 1 per cent. of $5000 .	10.00
One tenth of 1 per cent. of $2500.	2.50
	$14.75

If the $7500 were a mortgage, the fees would be, fixed	$2.25
One tenth of 1 per cent. of $7500.	7.50
	$9.75

The whole province is under the operation of the act. Mr. T. V. Townley, the district registrar, who kindly gave me this information, says: "I cannot give you any better idea of the value of the land dealt with than by saying that the fees in this office alone for the last six months have averaged about $2200 per month; and there are two offices in the province."

In bringing this subject before the readers of THE CENTURY it will be assumed that all readers will substantially agree upon the following premises:

First. That private possession or ownership of land is necessary to its most productive use.

Second. This ownership, granted or secured among English-speaking people by original titles derived in the first instance from the king, subsequently either derived from the state or acknowledged by it, is held under certain conditions, and is subject to the reserved power of eminent domain, with all that is implied in that legal phrase.

Third. The conditions under which this land is held in private possession may be rightly varied from time to time under due process of law, with compensation for injury done when land is taken, and with due consideration given to admitted rights.

Hence it follows that any system of conveying land from the possession of one person to another which has been so badly administered as to raise a doubt as to who is entitled to hold it in possession, must of necessity be reformed by the state, which holds the only power to apply the remedy to the defects and which may therefore resume its control.

There are many persons who rightly object to state interference in the every-day business of life, but in this matter, if an indefeasible title is to be established, the state must intervene, and may or must resume control because it is the source of title. The state alone has the power to remove the uncertainties which hang over titles to vast areas of land and now prevent their occupancy and use, such clouds having been permitted to gather through the ignorance or carelessness, or in some instances through the fraud, of individuals.

The variable conditions on which land is now held in possession by individuals are as follows:

a. In respect to the burden of taxation.

b. In respect to sanitary provisions.

c. By rules for the prevention of injury to neighbors.

d. By regulations as to use, as under building acts and the like.

e. Under the provisions of general or special acts for taking the land for highways, railroads, or other purposes, consistently with the provisions of the laws, which laws may be changed from time to time.

There is, therefore, no absolute private ownership of land in this country.

Under these conditions of private possession, which may be varied from time to time according to the circumstances or the necessities of

the case, it is commonly held that every facility which can be rightly given, and every form of legislation which may be rightly adopted for promoting a wide distribution of land among the largest possible number of persons, conduce to the safety of the state as well as to the common welfare of the people.

To this end the whole influence of the savings-banks has been developed in New England and to a considerable extent in New York. The same object is also promoted by the organization of coöperative banks, so called. In Pennsylvania and in Maryland the distribution of land has been promoted in yet greater measure than in the Eastern States by the organization of building-societies, by sales on terminable ground rents, by title insurance and mortgage security companies, and in other ways. In other parts of the country building-societies, savings-banks, and other organizations are being rapidly established with the same object in view. But underneath, and in greater or less measure obstructing all these instrumentalities or agencies for promoting the division, sale, and productive use of large parcels of land, lie the growing complexity and uncertainty in documentary titles, often accompanied by heavy cost in conveyancing, and in very many cases by doubt as to the existing title to the land itself being a perfect one. Upon such matters only the state can take action.

The vast amount of litigation which has occurred in California in connection with Spanish grants of land will be recalled; and the present clouds resting upon the titles to very great areas of land in the mountain region of the Southern States may be cited as an example of the condition to which the present system of conveyance of land may bring a portion of the country which has been occupied for a long period, but which has been very sparsely settled by a class of people who have been in the habit of adjusting their own disputes as to metes and bounds with the rifle and the bowie-knife rather than by well-recorded conveyances.

This great evil must be overcome. How can it be done?

The same kind of cloud may rest upon some titles even in the most densely occupied sections, where the valuation of land is very high.

The danger of defects in titles is now being overcome in some measure by the organization of title insurance companies. But these are private corporations, and while they may reduce the expense of conveyancing, may give a well-guarded and well-guaranteed title to the buyer of estates on which it would be unsafe to expend capital without a guaranty of possession, yet private corporations can merely palliate an evil which is growing everywhere, and which is a very great existing evil in some of the most valuable parts of the United States long since sparsely settled, but now being occupied and developed according to modern methods.

It will become an absolute necessity for the States of Virginia, Kentucky, Tennessee, Alabama, Georgia, and the Carolinas to clear the title to much of the land in the mountain region of the New South and on the Piedmont and Cumberland plateaus, in order that the vast deposits of minerals, the great wealth of timber, and the immense natural capacity of the soil may be put to productive use, and may be safely and surely developed.

Whatever method of land tenure may be established, no person whose judgment is of any value can doubt the necessity of making it so certain as to promote and not to prevent the land being put to its most productive use.

Even where the communal system of land-holding still exists, of which the village communities in Russia are often cited as examples, the land is held in common, but only under such rules and regulations as will render the product secure to the individuals to whom its cultivation for the time being has been assigned by the commune.

The advocates of what is known as the "single tax" theory who have not become socialists sustain most fully the necessity of "legal ownership" of land and "peaceable possession" backed by the full power of the state. The private ownership which Mr. Henry George advocates is under conditions which may vary very much from the present conditions in the matter of taxation; but his proposed method of taxation is incapable of application unless, as he himself expresses his own views, the "legal ownership" of land and its "peaceable private possession" in distinct and separate parcels should be established and maintained by the state in exactly the same way that legal ownership and peaceable private possession are now assured.

Any doubt, uncertainty, or cloud upon the title to land which prevents the application of labor and capital to its development would be as inconsistent with the application of the single tax upon land valuation as it would be with the present method of obtaining a part of the public revenue by taxation upon land valuation; because no one will develop land either by applying to it the necessary cost of cultivation or of construction unless the title can be maintained in such a way as to assure a return upon the labor and capital expended. If the present taxes on land valuation are not paid by owners, it is sold to other private owners who will pay them. In this way the state already recovers the title to land and resettles it.

Not a mile of railroad can be laid down unless the state sustains the right of way vested

in the corporation; even if the state itself, acting as a corporation, should construct a railroad as towns and counties construct the highways, it must maintain its own title to the land taken for that specific use against its own citizens separately or collectively.

The success of the Torrens system has been so great in British Columbia as to lead to the organization of the Canada Land Law Amendment Association, to which many of the most prominent men in Canada belong, and at whose instance the registry of land titles may be extended throughout the dominion of Canada. In this country little attention has been yet given to this subject; but in some places, notably in the city of New York, it early attracted attention, mainly among members of the legal profession, who have been grappling with the increasing difficulty in the conveyance of land for several years.

The agitation has resulted, however, in the passage of an act by the State of New York to provide for recording and indexing instruments affecting land in the city of New York according to the "Block System," so called, and also an act to provide for short forms of deeds and mortgages. These acts are now enforced. They simplify the present methods of registering deeds, and they remove many other special difficulties which have rendered titles doubtful and conveyancing costly. But these acts fall far short of the simplicity and effectiveness of the Torrens method. They appear to have been framed mainly with a view to remedying legal difficulties in the practice of the existing system of conveyancing rather than substituting indefeasibility of title through the intervention of the State; they may therefore be considered only as preliminary steps to more effective measures.

The economic side of this question is the one which the writer desires to bring conspicuously into notice. His purpose is to call attention to the simple fact that in the practice of the English colonies *indefeasible and peaceable possession and occupancy of land have been assured at the minimum of cost and by the adoption of the simplest methods of dealing therein.* The small premium collected by the state as an insurance fund for its protection has become a large sum in every colony, in many colonies never having been drawn upon. That single fact may perhaps be accounted conclusive against all technical objections.

In order to adapt this system to the conditions of the several States of this Union, it will be necessary to bear in mind that the Australian colonies have been organized without written constitutions; hence it follows that many acts can be done by administrative authority which cannot be done in that way in this country. It is possible that in some States the application of this system might require slight changes in the written constitution. In Massachusetts it is probable that no constitutional amendment would be required, but that the whole system would be carried out under statute law creating courts of competent jurisdiction to deal with titles by adjudication, under formal notices of proceedings corresponding in many respects to those which are taken under the orders of the probate courts in dealing with land devised by will.

In a very large number of States in the Union proceedings may be had under orders of court which go very far toward clearing titles of which the deeds are registered, without requiring anything but a public or published notice to possible claimants who may not be within the State in which the land is, or within the actual jurisdiction of the court itself. A committee appointed by the legislature of Massachusetts is now (November, 1891) dealing with this matter. Doubtless before this article appears their report will have been rendered. It will contain the evidence given by many members of the Massachusetts bar in favor of the adoption of the system, together with *pro forma* acts carefully prepared to meet our present conditions.

Edward Atkinson.

SONG AND SINGER.

I SAW him once, the while he sat and played —
A stripling with a shock of yellow hair —
His own rare songs, in mirth or sorrow made,
But tender all, and fair.

And as the years rolled by I saw him not,
But still his songs full many a time I sung,
And thought of him as one who has the lot
To be forever young.

Until at last he stood before mine eyes
An age-bent man, who trembled o'er his staff;
My sight rebelled to see him in such guise,
Ripe for his epitaph.

I grieved with grief that to a death belongs;
How Time is stern I had forgot, in truth,
And how that men wax old, whereas their songs
Keep an immortal youth.

Richard E. Burton.