

An Act respecting Registry Offices, and Privileges
and Hypothecs in Lower Canada.

WHEREAS the Laws providing for the registration of hypothecs are intended for the protection as well of those who comply with their requirements by effecting such registration, as of purchasers of the property subject to such hypothecs, and it is unjust that parties, who have lent money or allowed credit for the price of property sold, on the security of hypothecs duly registered, should be exposed to lose the same if they fail formally to oppose proceedings for or consequent upon the subsequent sale of such property, to which they are no parties, of which they receive no personal notice, and of which they may be wholly unaware ;--And whereas the risk of such loss discourages the introduction of capital into Lower Canada, and the loan thereof for the improvement of real property, and obstructs the sale of land on credit, and the reasons which formerly rendered such risk unavoidable, no longer exist :--Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Subject to the provision hereinafter made as to pending cases,—it shall not, after the passing of this Act, be necessary in any case of application for a judgment of confirmation under the Act of the Parliament of Lower Canada, for the more effectual extinction of secret incumbrances on lands, (ninth George Fourth, chapter twenty,) that any opposition be filed in order to preserve any hypothec upon real property, duly registered under the Lower Canada Registry Ordinance, fourth Victoria, chapter thirty, and the Acts amending it, before the first publication of the Notice that such application is to be made, if the Registrar is bound to certify the registration of such hypothec in the certificate hereinafter mentioned.

Oppositions not required in certain cases of application for confirmation of title.

2. The applicant for a judgment of confirmation under the Act above cited, shall, at the time when he makes his application for such judgment, file in the office of the Court, a certificate of the Registrar of the proper County or Registration Division, shewing the hypothecs which are registered :

Applicant to file a certificate from the Registrar.

1. Against the property to which the judgment is to apply, whenever any hypothec is so registered ; or

What such certificate shall show.

2. Against any party who, within ten years next preceding the date of the title sought to be confirmed, has been the owner of such property ; or