

CANADA.

3. Claims for accruing interest on securities for money, or claims for rent of any kind, shall not be an incumbrance on real property for more than three years after registration, as against subsequent *bonâ fide* purchasers, or incumbrancers for a valuable consideration, unless registered afresh as a principal sum, with assent of the person subject to payment.

4. Notarial instruments, or those under signature, wills or testamentary instruments, shall not carry mortgage or hypothèque, unless the real property intended to be affected is specified; and in judgments and acts of tutelle and curatelle, the amount for which real property is to be mortgaged shall be set forth.

5. No instrument, &c., shall carry mortgage on real property, unless at the time of registration such property be the actual *bonâ fide* property of the person intended to be affected.

6. The registration of an instrument of alienation shall be tantamount to delivery of possession.

7. Registration not to confer title upon, or confirm title derived from any person not having a good title to the real property registered, except as against prior purchasers or incumbrancers not registered.

8. Customary dower to be abolished.

9. Persons or corporations having or claiming, either in their own right, or as representing others, any title, claim or incumbrance upon real property, by any such assurance, instrument or proceeding, and wishing to preserve the same against subsequent *bonâ fide* purchasers, may after a certain day cause such assurance, &c. to be registered, and such registration shall preserve all rights appearing in or by such assurance, &c.

10. No such title, &c., shall be capable of being enforced as against third parties until so registered, except that judgments or judicial proceedings may be enforced by execution.

11. Sales and incumbrances to take effect and have priority from the time of registry.

12. Notice of a prior sale or incumbrance not registered not to vitiate a subsequent *bonâ fide* sale for valuable consideration, provided that subsequent purchasers, &c. having such notice give public notice to the prior purchaser, &c. to register his purchase, &c.

13. A person conditionally selling or incumbering, and such sale or incumbrance not being registered, may subsequently sell or incumber the same property subject to such prior conditional sale or incumbrance, which shall preserve the same valid.

14. Persons selling or incumbering the same property a second time, without disclosing the prior sale or incumbrance, if it shall not have been registered, shall be subject to an action by the first purchaser or incumbrancer for original consideration, interest or damages, notwithstanding any positive agreement to the contrary, and such person shall be deemed guilty of misdemeanor, and be punishable accordingly.

With respect to the future enactments necessary for carrying such a measure into effect, as to the manner of registering titles or claims, the manner of authenticating instruments not carrying evidence of authenticity in themselves, the manner of discharging or restricting registered hypothèques, the proper establishment of offices and officers, and the duties, responsibilities and emoluments of the latter, the special committee think it unnecessary to enter into these details; but they recommend that on these points the Bill prepared by Mr. Turton, as abridged and modified by Mr. Badgley, of the Montreal bar, and not essentially differing in its main outline from Mr. Vallière's Bill, should be adopted as a guide.

(signed) A. W. Cochran, Chairman.

Certified,
G. H. Ryland.
