

contingency to
be discharged.

Act, but shall be discharged by the judgment of confirmation unless preserved by opposition, as shall also all privileges and hypothecs whatever not within the meaning of the said section and not preserved by opposition.

Proceedings if
the applicant
desires to dis-
charge special
privileges and
hypothecs duly
registered.

III. If the applicant for a judgment of confirmation under the 5
above cited Act desires to discharge the privileges and conven-
tional hypothecs mentioned in the first section of this Act, he
shall, at the time of his application for such judgment, file a
certificate of the Registrar of the proper County or Registra- 10
tion District, stating the privileged and conventional hypothecs
within the meaning of the said first section which are regis-
tered against the property to which the judgment is to apply
and have not been wholly discharged, stating the date of the
instrument (if any) registered as creating or proving such hypo- 15
thec, and the name of the Notary or Notaries if such instru-
ment be notarial, and mentioning any partial discharge regis-
tered, and the sum which appears to be due for principal
and interest in each case, and shall pay into Court the price
(if any) mentioned in the title to be confirmed, or which he 20
shall have made up by bidding in the manner allowed by the
said Act ; and if such price be sufficient to pay all the charges
on the property mentioned in the said certificate or in the oppo-
sitions filed in the case and maintained by the Court, and all
costs, the judgment of confirmation shall be pronounced purely
and simply ; but if such price be not sufficient to pay such 25
charges and costs, or if there be no price mentioned in the title
to be confirmed, the Court or any Judge thereof, shall, at the
instance of the applicant for such judgment, appoint two *experts*,
and the applicant shall appoint one, and such three *experts*,
or a majority of them, shall value the property, and report 30
the value thereof on oath, in writing under their hands, to
the Court, and if the value so reported be not greater than the
price paid in by the applicant as aforesaid, such price shall be
deemed the value of the property, and the judgment shall be
pronounced purely and simply ; but if the value so reported be 35
greater than such price, or if there be no price mentioned in the
title to be confirmed, the applicant shall pay the difference
between the price and the said value, or the whole of the said
value if there be no price, into Court, and the judgment shall
then be pronounced purely and simply. 40

Price or value
to be paid into
Court.

Valuation of
the property in
certain cases.

Distribution of
the price or
value among
the creditors.

Effect of Re-
gistrar's cer-
tificate and ob-
jections there-
to.

IV. The price or value so paid into Court shall be distributed 45
by the Court among the opposants (if any) and the privileged
and hypothecary creditors mentioned in the Registrar's cer-
tificate, according to the order and rank of their privileges
and hypothecs : the Registrar's certificate shall be *prima* 45
facie evidence of the facts therein mentioned, but any such fact
or any matter to which such certificate relates, may be
disputed by any party interested, and the Court may then
receive evidence contradicting or modifying any statement
in such certificate, and give judgment accordingly, and no 50