CANADA.

From these various proceedings and efforts at legislation, the special committee find that the existence of the evil arising from the want of register-offices was fully admitted in the Legislature, and although the legislative bodies came to no agreement as to the details of the remedial measures to be adopted, there were some general principles respecting which there was no material difference between them.

The special committee have closely examined and considered Mr. Vallière's Bill of 1826, the Bill sent from the Council in that year, and that sent from the same body to the Assembly in 1836; and they have also had before them a Registry Bill, prepared by a legal gentleman connected with the administration of Lord Durham (founded, in a great measure, on Mr. Vallière's Bill, and modified, as the committee understand, after conferences with Mr. Vallière); and also another draft of a similar measure, compiled by an able member of the bar of Montreal, which, while it is similar in its general outline to that last mentioned, contains some new provisions, and more particularly some of those important but necessary alterations in the existing law, which the Legislative Council proposed to introduce by their Bill of 1836.

To these the special committee are desirous, in the first place, more particularly to advert.

The general or indeterminate mortgage, or hypothèque (that is, without specification of any particular property to which it is to attach), the customary dower, arising, without special contract, from the mere celebration of marriage, and descending as an inheritance with an indefeasible hypothèque to the children, and the legal or tacit mortgage arising from the offices of tutor and curator, which most persons may, by law, be compelled to undertake; these were circumstances in the existing state of the law which materially interfered with the adoption of an effectual system of registry, and seemed to present impediments which no system could entirely surmount while they continued to exist.

But from the evidence obtained from the Legislative Council, as well as from that laid before His Majesty's Commissioners of Inquiry in 1836, it appeared to be the opinion of the best-informed persons, that the general or indeterminate mortgage by notarial act should be abolished, and all such hypothèques be required to be special; that the customary dower should in like manner cease to exist, and the wife be endowed by special contract; and while there seemed to be a well-founded objection to the calling upon tutors and curators to give specific security on property for the due execution of their trusts, from the circumstance of their being compelled to undertake the office, the weight of opinion was yet strongly and decidedly in favour of such specific security being required.

Upon these various points the special committee have come to the conclusion that any Registry Bill, to be effectual, must either contain or be accompanied by legal provisions for abolishing general and indeterminate mortgages and customary dower, and for limiting the responsibilities of tutors and curators by special security on certain property, but providing at the same time that no person shall be compelled to accept those offices, and that tutors appointed by will, if they accept the trust, shall be admitted to the administration and guardianship without security.

With respect to the other leading features of the measure, there does not appear to be any essential difference between the Bill introduced by Mr. Vallières in 1826, and the two, more recently prepared, during and since Lord Durham's administration, which are in most respects improved modifications of the former, and the special committee having collated the whole together, have extracted from them the following general regulations, which they recommend to be adopted in any measure which may be brought forward.

1. All conveyances, instruments and proceedings (except as hereafter), by which real property may be in any way alienated, charged or incumbered, whether by deed, writing, devise, judicial proceeding, or by operation of law, shall be registered; or, if not, shall be void and null as against subsequent registered *bonâ fide* purchasers or incumbrancers for a valuable consideration.

Exceptions.

1st. Arrears of cens et rentes, for a period not exceeding five years, and other seignorial dues (except arrears of lods et ventes).
2d. Arrears of rentes foncières, not exceeding five years.
3d. Arrears of rent of leasehold property, not exceeding two years.
4th. Costs of suit (frais de justice).
5th. Funeral expenses, and those of last sickness.
6th. Servants' wages, not exceeding two years.

2. That the privileges:

1st. Of the seignior for lods et ventes,
2d. Of the vendor or bailleur de fonds, or of the persons who shall have furnished monies for purchase of real estate, and have been subrogated to rights of vendor,
3d. Of co-heirs or co-partageants, for difference in shares, soulte et retour, or price of licitation,
4th. Of architects, builders, &c., and of those who have lent monies to pay them,
5th. Of creditors and legatees praying the separation of patrimony of deceased from immovables of heir,

shall be so registered within a certain time, and in a manner to be provided; if not so registered, to take effect as mortgages only from the time they are registered.

3. Claims