

Proof of such transmission.

**40.** If such transmission has taken place by virtue of the insolvency of any registered mortgagee, the said declaration shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under any insolvency; and if such transmission has taken place by virtue of the marriage of a female mortgagee, the said declaration shall be accompanied by a copy of the register of such marriage, or other legal evidence of the celebration thereof, and shall declare the identity of the said female mortgagee, and if such transmission has taken place by virtue of any testamentary instrument or by intestacy, then, in any province of Canada, excepting Quebec, the said declaration shall be accompanied by the probate of the will or the letters of administration, or an official extract therefrom, and in the province of Quebec, by the will or any copy thereof that is evidence of such will by the laws of that province, or by any such document as by the laws of such province is receivable in the courts of justice thereof, as proof of the title of any person entitled upon an intestacy.

Entry of transmitted mortgage.

**41.** The registrar of shipping, upon the receipt of such declaration and the production of such evidence as aforesaid, shall enter the name of the person or persons entitled under such transmission in the record book as mortgagee or mortgagees of the ship in respect of which such transmission has taken place. 36 V., c. 128, s. 46.

Certificate of registry of ship when built.

**42.** Whenever the building of a ship which has been recorded under this Act is duly completed, the first mortgagee whose claim is unsatisfied may furnish the builder's certificate for such ship, and thereupon the proper officer may grant a certificate of registry under the laws in force in Canada for that purpose :

All recorded mortgages then undischarged to be registered in registry book.

2. All undischarged mortgages recorded under this Act shall be, by the proper registrar of shipping, transferred to and registered under such laws in the register book, in the order and according to the priority in which the same were entered of record under this Act; and the temporary name used for the purposes of this Act, as above provided for, may be changed at the time of granting a certificate of registry :

Order of registry.

3. The registry of all such mortgages shall thus appear, according to their priority in the record book, as if the same had been made or granted under the laws providing for the giving of such certificate of registry : and a fresh instrument of mortgage may be granted for that purpose, according to any form prescribed by law, as a substitute for any mortgage granted under this Act. 36 V., c. 128, s. 47.

Fresh mortgage may be granted.

Penalty for attempting to take out register at any port other than that

**43.** Every person who is a party to any unsatisfied mortgage on any ship under this Act and who takes out, or attempts to take out, a register for such ship at any port other than the port named on the bord in the ship yard in which such