

## PREFACE.

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It had been felt very generally for a considerable period of time, that an improved method of hypothecary registration was required, when the law of 1857 (23 Vic., cap 59) introduced by Sir George E. Cartier operated a radical change in the system.

The enactments of this law which are to be found in the Consolidated Statutes of Lower-Canada, Chapter 37 sections 68 and the following and have been introduced into our civil code by article 2163.—2176 were little more than a dead letter until about the month of November 1866. At that time, however, the *cadastrage* of the County of Laprairie was commenced. The commissionners after having completed their labors in Laprairie repaired to the County of Chambly and subsequently undertook the *cadastrage* of the City of Montreal beginning in St. Ann's Ward, *Montreal West*.

The importance of the new system of registration is manifest to every one.

Heretofore the hypothecary or privileged creditor, who for the securing of his mortgage or privilege had to register the same, was also obliged to register against the *name* of the debtor as proprietor in possession of the immovable to be hypothecated.

The inconveniences of such a system are very apparent. Not to mention the difficulties to be encountered in searches owing to the fact, that the same name is frequently borne by many individuals persons desirous of investing their capital in real estate, had but a meagre guarantee of security, when we take into consideration that the subdivisions of landed property necessitated new descriptions every time the properties changed hands or that real estate was portioned out amongst different heirs.

The system of registration adopted in France, as well as in the United States and other countries affords ample security. Under our new law, the whole of Lower Canada must hereafter be cadastrated. Maps, plans and books of reference have been prepared with the greatest care, and for the future real estate shall be described by no other designation than numbered lots. Thus the dangers arising from the multiplication of mortgages and the subdivision of land shall be avoided.

To effect searches, registrations all kinds of transactions in and sales of property by numbered lots is certainly a great advantage, more particularly as the Government will furnish to each registrar, a map and book of reference containing all the real estate in his county or Registration Division.