discussed at length, in the previous Records, and usage, for several years, sanctioned its practice.

The legal opinion of learned lawyers and the decision of the Superior Court at Montreal, *in re* Marchand *vs* Ryland, reported in chapters II and III, of the third part of the present Record, settles the question, in a sense opposed to the opinions of the Registrars, but as there is appeal from this decision before the Court of Revision, we still have hopes that our views may prevail before the Court.

There is no doubt that if we had had the time necessary to pursue our researches, we should have discovered many authors who have treated of the subject and would have sided in our favour.

We find, however, in the *Journal des Conservateurs*, published in France, allusion is made to several judgments rendered by the French Courts and the following declarations made :

" The custodian of mortgages is not the judge of the " merits of the inscriptions figuring on the registers. " The consequence is that when he is summoned to " deliver a statement on the inscriptions, he must men- " tion them. The custodian is obliged to include in " the certificate delivered by him all the inscriptions " not extant on his registers, without having the right " of appreciating the value of those inscriptions."

Whenever the change appears on the face of the index of real estate, whatever may be the degree of that change, the Registrar must make a report thereof. The case would be different with a hypothecary obligation nowise affecting the rights of property and whose total cancellation completely annuls the entry on the register.

We have defended the position in the measure of our abilities, and it is now your mission, gentlemen, to step forward and furnish new weapons in defence of our just pretensions.

The publication of your researches on registration and the practice of hypothecary offices, in each Record, would have the double merit of interest and of good accomplished.