

cellation, and if the allegations be not proved to the satisfaction of the Court, the action shall be dismissed with costs.

Registrar to cancel the Entry in obedience to the judgment.

II And be it enacted, That the Registrar of every County in whose office such registration shall have been made, or his deputy, upon production to him of a copy duly certified by the Clerk of the said Court of the judgment ordering the cancellation of the said registration, shall proceed to the cancellation thereof in the manner provided by the said Ordinance, for the cancellation of hypothecs discharged or paid, subject the penalties imposed by the said Ordinance. 5

To what cases the foregoing provisions shall extend. Bailleur du fonds bound to register.

III. And be it enacted, That the foregoing enactments shall extend equally to registrations made before or after the passing of this Act. 10

IV. And whereas doubts have arisen as to the interpretation of the said Ordinance with respect to the obligation of a *bailleur de fonds*, to register the deed creating or constituting the privilege of *bailleur de fonds* in the manner prescribed by the first and fourth sections of the said Ordinance, relative to the registration of hypothecary, privileged or judgment claims; and whereas to ensure every possible efficacy to the publicity of hypothecs it is expedient to remove these doubts: Be it declared and enacted, and it is hereby declared and enacted, that by the terms of the said Ordinance the *bailleur de fonds* shall be bound in conformity with the requirements of the said Ordinance, to register the deed creating or constituting his right of *bailleur de fonds*, in the manner prescribed by the said Ordinance, and by the Acts amending the said Ordinance, with respect to the registering of hypothecary, privileged or judgment claims. 15 20

Delay given to such Bailleur to register if his rights accrues after the passing of this Act.

V. And be it enacted, That from and after the passing of this Act, any *bailleur de fonds* whose claim shall have been created after the passing of this Act, shall be bound, in all respects, to register his said claim in the same manner as other hypothecary, privileged or judgment creditors are bound to do by virtue of the requirements of the said Ordinance, within the period of _____ months from the date of the passing of the Act creating his right of *bailleur de fonds*. 25 30

Delay for registration of rights of bailleur de fonds created before the passing of this Act.

VI. And be it enacted, That every *bailleur de fonds* who shall not at the date of the passing of this Act, in conformity with the requirements of the said Ordinance and of the Acts amending the said Ordinance, have registered the deed creating or constituting his right of *bailleur de fonds*, shall be bound to register the same within a period of _____ months from and after the passing of this Act; and failing so to do, such right of *bailleur de fonds* shall be null and of no effect whatever, with respect to any subsequent purchasers donee or hypothecary, privileged or judgment creditor; for or upon good and valuable consideration as provided by the said Ordinance: Provided always, that nothing in this section shall be construed to apply or extend to the judgments of the Civil Courts in Lower Canada which have by their judgments decided that the *bailleur de fonds* was not bound to register the deed establishing his right of *bailleur de fonds*; and provided also, that nothing in this section contained shall in any way affect the rights of parties who shall not have registered their claims of *bailleur de fonds*, until the expiration of the delay allowed for the registration of such claims, but such rights shall, until the expiration of the delay fixed as aforesaid, have the same force and effect as if this Act had never been passed. 35 40 45

Recital.