

Notary and the Property so Mortgaged be specially mentioned. Judgments excepted.

ments as aforesaid, shall operate and be sufficient in Law to create a Mortgage or *Hypothèque*, or be in any wise available as such Mortgage or *Hypothèque* on any Lands or other immoveable Property held or to be held in free and common Soccage unless the same shall be by Deed or *Acte Authentique*, duly made and executed by and before two Notaries Public or one Notary, and two Witnesses, and of which Deed or *Acte* as aforesaid, a minute shall be preserved in the Office of the Notary executing the same, nor unless the Lands or other Immoveable Property so intended to be mortgaged shall be therein specially mentioned, set forth and described, any Law, usage or Custom, to the contrary notwithstanding.

Every *Acte* or Deed in Law bearing a Mortgage as above shall create a Mortgage upon all Immoveable Property from the time it is enregistered &c.

III. And be it further enacted by the authority aforesaid, that from and after the said first day of January, in the year of our Lord one thousand eight hundred and twenty-seven, every *Acte* or Deed in Law whereby a Mortgage or *Hypothèque* shall be created as aforesaid, and which shall be duly enregistered, in the manner hereinafter directed, from the day and hour at which such *Acte* or Deed shall be enregistered as aforesaid, and not before, shall create a Mortgage or *Hypothèque* upon and shall bind and affect as a Mortgage or *Hypothèque* all Lands and all other immoveable Property which are or is situate within the limits of the District or Inferior District in which such *Acte* or Deed in Law shall be so as aforesaid enregistered, and in no other District or Inferior District: Provided always that nothing in this clause or in the next preceding clause contained shall extend or be construed to extend to any Land or other immoveable Property held *en Roture* or *en Fief*, or to affect the same or any Mortgage or *Hypothèque* relating thereto in any manner or way whatever, and that all Lands and other immoveable Property held *en Roture* or *en Fief* by every *Acte* or Deed in Law which now creates a Mortgage, shall be and shall remain mortgaged and *hypothécated* in like manner and in every respect as if this Act had never been passed.

Proviso.

No Judgment to affect a Mortgage on Property held in Free and Common Soccage unless enregistered as herein after mentioned &c.

IV. And be it further enacted by the authority aforesaid, that from and after the said first day of January, in the year of our Lord one thousand eight hundred and twenty-seven, no Judgment of any Court of Law in this Province by which a Mortgage or *Hypothèque* is now by Law created, shall bind or affect as a Mortgage or *Hypothèque* any Lands or other immoveable Property which shall be situate within the limits of this Province and without the limits of the Dis-