

B I L L.

An Act to facilitate the extinction of hypothecs, charges and servitudes on real property.

**W**HEREAS the general interest requires that purchasers of real property should be enabled to purchase with security, and obtain a valid extinction of all secret incumbrances, and that means should be found to discharge such real property from all hypothecs, real rights and *servitudes*; Be it enacted, &c.,

Preamble.

That the *décret forcé* or judicial sale of real property under the laws of Lower Canada, shall have the effect of discharging and extinguishing all hypothecs, real rights and servitudes which might affect the real property seized and sold, including even dower not then open, substitutions, the rights of women subject to marital authority, and of minors, in respect of all dower or other rights and hypothecs, the eighth section of the Act passed in the ninth year of the Reign of His Majesty King George the Fourth, chapter twenty, and any other law or usage to the contrary notwithstanding.

Judicial sale to effect the discharge of all hypothecs, &c.

II. That letters of ratification or judgments of confirmation according to the laws of Lower Canada obtained by the purchasers of real property by voluntary sale, of their titles to such real property, shall, if no opposition be fyled, or when any opposition is fyled within the time prescribed for preserving hypothecs or other real rights, upon the said real property, then on the said purchasers depositing the purchase money in the hands of the Clerk of the proper Court, effectually extinguish all hypothecs, real rights and servitudes, with which such real property might be charged, including even dower yet not then open, *substitutions*, the rights of women subject to marital authority, and of minors, in respect of any dower or other rights or hypothecs.

Letters of ratification to extinguish all hypothecs, &c.

III. That oppositions fyled within the time prescribed by law in the case of any demand for confirmation or ratification of title, and with respect to any moneys arising from and levied on the sale of real property under execution, shall entitle all married women, tutors, interdicted persons, *substitués*, their respective friends and relations, entitled to fyle such oppositions, to the same rights and

Advantages of oppositions duly fyled with respect to collocation on monies levied or paid in.