

Proviso as to  
sureties.

payment thereof, or that the same be the capital of a constituted rent, such contravention being alleged in the declaration in any action brought to recover such sum and proved to the satisfaction of the Court; but this provision shall not affect the liability of any surety (*caution*) for such sum, unless he be a party to the said contravention, in which case it shall apply to and affect him as well as the principal debtor and he shall be liable as if he had been surety for the immediate payment of such sum. 5

Act not to im-  
pair any other  
remedy.

III. Provided always, that this Act shall not extend to deprive the party at whose suit such immoveable property as aforesaid may have been seized, or in whose favor it may have been hypothecated or mortgaged, of any legal recourse against the person or property of his debtor, which such party would have had if this Act had not been passed. 10

Ordinance 2  
Vic. c. 48 re-  
pealed.

IV. The Ordinance of the Governor and Special Council for Lower Canada, passed in the second year of Her Majesty's Reign, and intituled "*An Ordinance to prevent Real Property under seizure from being injured or wasted, to the damage of the party seizing,*" shall be and is hereby repealed, except only as regards any contravention of the said Ordinance committed before the passing of this Act, with regard to which it shall remain in full force. 15

Exception.