No. 24.]

## BILL.

## **F1862.**

An Act to amend chapter thirty-seven of the Consolidated Statutes for Lower Canada, intituled, "An Act respecting the Registration of titles to or charges upon real estate, the law of hypothecs, the dower and property of married women, and the conveyance of soccage lands."

WHEREAS it is expedient to amend chapter thirty-seven of the Con-Preamble. solidated Statutes for Lower Canada solidated Statutes for Lower Canada, in order to secure the dower of the married woman, whose husband, on his marriage day, is not the proprietor of any real estate; Therefore, Her Majesty, &c., enacts as follows:

5 1. The marriage contract of any married woman, whose husband, on Marriage conthe marriage day, was not the proprietor of any real estate, may be reg- tracts may istered in the Registry office of the County or Registration Division in which be registered to bind fature any real estate acquired by the husband after his marriage is situate; property, probut no hypothee shall bind or affect the said real estate under such regis- vided notice

- 10 tration, in favor of the married woman and her children, unless on the day of the specificon which the notice hereinafter mentioned shall be filed, the said hus- afterwards band is in full possession of such real estate as proprietor after payment given. of his just debts, nor unless and until a notice, in the form AA of the Schedule to the present Act, has been filed in the office of the Registrar
- 15 of the County or Registration Division in which such property lies, specifying and sufficiently describing such property, and stating it to be then in the possession of the party against whom such hypothec is registered, as his property; but such notice respecting such property shall be given only for a fixed amount, which amount shall be specified in the no-
- 20 tice; and the total amount of hypothecs so obtained shall in no case ex- Hypothec not eed the amount of the dower, and in case of excess, then the property (or, to exceed the if necessary the properties) lastly mentioned in the notice or lastly dower. hypothecated shall of right cease to be affected by the registration, in so far as such excess is concerned.
- 25 2. The said notice shall be filed in the Registry office after the regis- Where and by tration of the marriage contract, and such notice may be filed and such whom notice registration may be obtained by the party in whose favor the hypothes registration may be obtained by the party in whose favor the hypothec exists, or his attorney or legal representative, or by the husband, curator, tutor or subrogate-tutor of the interested party, or in their default by
- 30 any relation or friend of such party.

3. The third, fourth and fifth sub-sections of the forty-eighth section Certain pro-of the said chapter thirty-seven of the Consolidated Statutes for Lower apply. Canada shall apply to the notices and hypothecs aforesaid.

4. The three preceding sections shall form part of the forty-eighth sec- Where the 85 tion of the said chapter thirty-seven of the Consolidated Statutes for Lower preceding sec-Canada, and shall stand next after the fifth sub-section of the forty-eighth inserted in the-

amonded Act.