

Law of England established and in force in reference to such grants, bargains, sales, enfeoffments, alienations, gifts, exchanges, disposals, devises, or other conveyances, or by deed or instrument in writing, duly made and executed by and before two Notaries Public, or by and before one Notary and two witnesses, according to the laws and usages of the Province of Lower Canada, shall be equally good, valid and binding in Law, any thing in the aforesaid in part recited Statute to the contrary thereof in anywise notwithstanding.

Mortgages &c. created before the passing of this Act on Lands now holden in free and Common Soccage, according to the Laws of Canada, declared valid.

III. And be it further enacted by the authority aforesaid, that all mortgages and hypothèques, and all privileged claims of *Baillieur de fonds* created before the passing of this Act, upon any lands or other immoveable property now holden in free and Common Soccage, and which were so made and created according to the forms, laws, and usages of the Province of Lower-Canada, affecting other Lands not holden in Free and Common Soccage, shall be held and declared good and effectual in Law to all intents and purposes whatsoever.

All mortgages &c. created after the passing of this Act, to be made according to the laws of this Province.

IV. And be it further enacted by the authority aforesaid, that all mortgages and hypothèques, and all privileged claims which shall or may be created from and after the passing of this Act, upon any Lands or other immoveable property now holden or which shall or may hereafter be holden in Free and Common Soccage, shall and may be made according to the forms, laws and usages of the Province of Lower-Canada, provided that the lands so to be mortgaged or hypothecated, or upon which such privilege claim is so intended to be reserved; shall be specially set forth and described in the Instrument creating or reserving the same and not otherwise, anything in the aforesaid in part recited Statute to the contrary thereof in anywise notwithstanding.

Nothing in this Act to prejudice the rights of *Baillieurs de Fonds*.

V. Provided always, and it is enacted that nothing in this Act contained, shall be so construed as to prejudice in any manner whatsoever the rights of any persons by whom any real property may have been sold, (*Baillieurs de fonds*) who shall always be allowed to demand and exercise their rights of preference of hypothèque and privileged claim upon the monies which shall from the consideration of any sale or transfer of any Land or hereditament although no stipulation to that effect or express mention of such right be made in the Deed of Sale or transfer of such Land or hereditament.

Any proprietor of such lands dying before the passing of this Act, and not having partitioned the same by Will, how the same shall be partitioned.

VI. Provided always and be it further enacted by the authority aforesaid, that when any Proprietor of Land granted or held in Free and Common Soccage in this Province, shall have died before the passing of this Act without having partitioned the same, either by last Will and Testament or otherwise, the heirs of such Proprietor shall be held to partition such Land according to the old Laws of the Country, unless the said heirs should have agreed among themselves upon a different partition.