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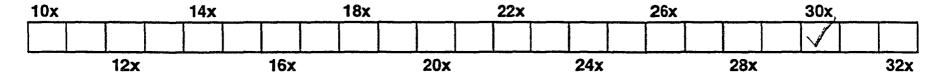
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No. 24,

1st Session, 7th Parliament, 25 Victoria, 1862.

BILL.

- 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."
- Received and read, first time, Monday, 7th April, 1862.
- Second Reading, Wednesday, 9th April, 1862.

Mr. LANGEVIN.

QUEBEC :

PRINTED FOR THE CONTRACTORS BY HUNTER, ROSE & CO. ST., URSULE STREET. 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.

section; and the other sections of the said chapter respecting the said forty-eighth section shall be construed as applying also to the said three first sections of this Act.

Notice under 5. The notices mentioned in the said thirty-seventh chapter of the the amended Consolidated Statutes for Lower Canada, and those mentioned in the 5 Act and this present Act, shall henceforth be signed in presence of two witnesses who Act to be attested by two shall testify to the signature by their own, and the said notices, after having witnesses. been registered in accordance with the said Act, shall remain in the office of the Registrar so registering them, and such Registrar shall be bound to produce such notices when necessary, in all Courts of Justice, under 10 the penaltics mentioned in the one hundred and eighth and one hundred Saving as to and ninth sections of the said chapter; but the notices given or filed before notices herethe passing of the present Act, in accordance with the provisions of the tofore filed. said chapter, shall continue to have their full force and effect as if they had been given in accordance with the said chapter as amended by this 15 Act.

Error of the **G.** And whereas, it is expedient to remedy an error of the press in press in Sect. the fifty-third Section of said Chapter thirty-seven of the Consolidated 53 of the amended Act, Statutes for Lower Canada, therefore the said fifty-third section is corcorrected. rected so as to read as follows :---

> "The dower or the right to dower of the children of any marriage shall 20 be exercised exclusively upon and in respect of real estate subject to the dower of their mother, whercof their father was seized and possessed at his death, and that upon and in respect of which the dower of their mother has not been by her barred during her marriage."

SCHEDULE.

Form A. A. referred to in this Act.

Notice required by the first Section. To the Registrar of the County (or Registration Division) of

SIR,-I hereby notify you that the following real property, lying in your County, or Registration Division, that is to-day : (describe the pro- 30 perty, observing the requirements of Section seventy-four, if it is then in force in such County or Registration Division) is now in the possession , as his property, and I give you this notice of A.B., of to the end that the said property may become bound and affected by the 35 hypothec on the lands and real property of . of created by (describe the decd) which is already registered in your office, in favor of C. D., of , (party in whose favor the hypothec exists,) and may be indexed by you as being so bound and affected. Witness my hand this day of . 18 40

E. F. Quality in which E. F. acts. 25

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