

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x			14x			18x			22x			26x			30x																				
12x						16x						20x						24x						28x						32x					

No. 175.

---

1st Session, 6th Parliament, 21 Victoria, 1858.

---

**BILL.**

An Act to amend the Law regulating the  
registration of hypothecs in Lower Canada.

---

Received and read, first time, Wednesday, 19th  
May, 1858.

Second reading, Monday, 24th May, 1858.

---

MR. PAPINEAU.

---

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

## An Act to amend the Laws regulating the registration of hypothecs in Lower Canada.

**W**HEREAS it is expedient to amend the Laws regulating the registration of hypothecs in Lower Canada; Therefore Her Majesty &c., declares and enacts as follows: Preamble.

I. All real or moveable estate, under whatever tenure it may be held, which has been or hereafter shall be sold or otherwise departed with by any married man, shall by the renunciation of his wife, she being of age and acting under his authority, be freed from her dower, legal or customary, conventional or stipulated, as well as from all legal, conventional or judicial hypothecs which she might have on the said property. The wife may release her dower, legal or conventional, on property sold by the husband.

II. If with the view of giving security for a loan or for any other cause whatever, the husband is only desirous of engaging, charging or hypothecating real property subject to his wife's legal or conventional dower or hypothecs, it shall be lawful for his wife, being of age and being thereto authorized by her husband, in lieu of releasing her dower and hypothecs on such property, to grant a priority of claim and of hypothec to the creditor under the obligation or engagement of her husband. Instead of renouncing she may grant priority to her husband's creditor.

III. The said renunciations or priorities of hypothec may be made and granted by the wife in the deed of conveyance or constitution of hypothec itself, or by any other subsequent authentic *Acte*. By what *Actes* this may be done.

IV. Such renunciation shall have the effect of completely extinguishing in respect of the property alienated, the legal or conventional dower of the wife and children, and the legal, conventional or judicial hypothecs of such wife; and the priority of hypothec or claim so granted as aforesaid by the wife in favor of a third person shall give to the latter or to his assigns the right of being paid or indemnified out of the immoveables hypothecated or engaged in his favor before the wife or her children shall enforce their said rights of dower and hypothec upon the same property. Effect of the renunciation, and of the grant of priority.

V. No hypothec shall result upon the other property of the husband as indemnification or compensation for the said releases or priorities of hypothec given or granted by the wife, without prejudice however to the personal recourse which she may have against her husband or his heirs. No hypothec to result on the other property of the husband, &c.

VI. The 35th section of the registry ordinance, 4 Vic. cap. 30, the 4th section of the Act 8 Vic. cap. 27, and the 9th section of the Act 16 Vic. cap. 206 shall be and they are hereby repealed. Inconsistent enactments repealed.

VII. This Act shall apply to Lower Canada only.

Act limited to L. C.