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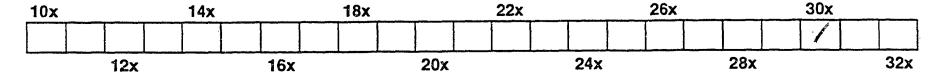
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1st Session 4th Parliament, 16 Victoria, 1852.

## BILL.

An Act to facilitate the discharge of hypothecs, charges and servitudes on real property.

Received and read a first time, Tuesday, 21st September, 1852.

Second reading, Friday, 15th October, 1852.

MR. SICOTTE.

## BILL.

An Act to facilitate the extinction of hypothecs, charges and servitudes on real property.

HEREAS the general interest requires that purchasers of Preamble. real property should be enabled to purchase with security, and obtain a valid extinction of all secret incumbrances, and that means should be found to discharge such real property from all 5 hypothecs, real rights and servitudes; Be it enacted, &c.,

That the décret forcé or judicial sale of real property under the Judicial sale laws of Lower Canada, shall have the effect of discharging and ex-to effect the discharge of tinguishing all hypothecs, real rights and servitudes which might all hypothecs, affect the real property seized and sold, including even dower not do then open, substitutions, the rights of women subject to marital 10 authority, and of minors, in respect of all dower or other rights and hypothecs, the eighth section of the Act passed in the ninth year of the Reign of His Majesty King George the Fourth, chapter twenty, and any other law or usage to the contrary notwithstanding.

II. That letters of ratification or judgments of confirmation Letters of ratification to according to the laws of Lower Canada obtained by the purchasers tification to extinguish all of real property by voluntary sale, of their titles to such real pro- hypothecs, &c. perty, shall, if no opposition be fyled, or when any opposition is fyled within the time prescribed for preserving hypothecs or other real rights, upon the said real property, then on the said purchasers depositing the purchase money in the hands of the 20 Clerk of the proper Court, effectually extinguish all hypothecs, real rights and servitudes, with which such real property might be charged, including even dower yet not then open, substitutions, the rights of women subject to marital authority, and of minors, in respect of any dower or other rights or hypothecs.

III. That oppositions fyled within the time prescribed by law in Advantages 25 the case of any demand for confirmation or ratification of title, and of oppositions with respect to any moneys arising from and levied on the sale of with respect real property under execution, shall entitle all married women, to collocation on monies lev-tutors, interdicted persons, substitués, their respective friends and ied or paid in. relations, entitled to fyle such oppositions, to the same rights and

advantages with respect to collocation and payment out of the moneys paid in or levied, as they would have, if the marriage contracts of such married women and the *Acte* of tutorship of such tutors had been severally enregistered in the proper Registry offices on the day on which they were respectively entered into and granted, without prejudice to any recourse or to any actions which might be brought against such husbands or tutors for such rights and hypothecs, as by law provied.

Advertisementa IV. That with a view to giving greater publicity to judicial sales, and applications for confirmation and ratification of titles, the notices and publications now required by law, shall be given and inserted twice during the four months required, in the official gazette 10 (Canada Gazette) and twice during the said four months, in such two public newspapers published in the District, as the Plaintiff shall determine.