

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.

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 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:

- 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.

Cover title page is bound in as last page in book but filmed as first page on fiche.

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	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12x		16x		20x		24x		28x		32x	

No. 85.

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.

QUEBEC :

PRINTED BY JOHN LOVELL, FOUNTAIN STREET.

B I L L .

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

WHEREAS the general interest requires that purchasers of 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 hypothecs, real rights and *servitudes*; Be it enacted, &c.,

Preamble.

That the *décret forcé* or judicial sale of real property under the laws of Lower Canada, shall have the effect of discharging and extinguishing all hypothecs, real rights and servitudes which might affect the real property seized and sold, including even dower not then open, substitutions, the rights of women subject to marital 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.

Judicial sale to effect the discharge of all hypothecs, &c.

II. That letters of ratification or judgments of confirmation according to the laws of Lower Canada obtained by the purchasers of real property by voluntary sale, of their titles to such real property, 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 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.

Letters of ratification to extinguish all hypothecs, &c.

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

Advantages of oppositions duly fyled with respect to collocation on monies levied or paid in.

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 provided. 5

Advertisements.

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 (Canada Gazette) and twice during the said four months, in such two public newspapers published in the District, as the Plaintiff shall determine. 10