



No. 258.

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1st Session 4th Parliament, 16 Victoria, 1853.

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## BILL.

An Act to extend the provisions of the Ordinance 4th Vic., cap. 30, to certain cases therein mentioned and for other purposes.

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Received and read a first and second time,  
Monday, 28th February, 1853.

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Hon. Mr. BADGLEY.

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QUEBEC :  
PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to extend the provisions of the 35th Section of the Registration Ordinance of Lower Canada to certain cases therein mentioned, and for other purposes.

WHEREAS by the thirty-fifth Section of the Ordinance of the Legislature of Lower Canada, passed in the fourth year of Her Majesty's Reign, chapter thirty, intituled, "An Ordinance to prescribe and regulate the Registering of titles to Lands, Tenements and Herditaments, real or immoveable Estates and of charges and incumbrances on the same, and for the alteration and improvement of the law in certain particulars in relation to the alienation and hypothecation of real estates and the rights and interests acquired therein," it is among other things enacted, that it shall be lawful for any married woman, being of the age of twenty-one years, or upwards, to join with her husband, in the sale or alienation of lands and Tenements, real or immoveable Estates, held in Free and Common Soccage, or *en fief*, or *à titre de cens*, or *en franc alev*, or under any other tenure whatever, which shall be subject or liable to or for her legal or customary dower, and in any deed or conveyance, which may be made for the purpose of such sale or alienation, to release her dower and right to dower, in and upon all or any part of the lands and tenements, real and immoveable Estates, so sold or alienated; and such release shall effectually extinguish her dower and right to dower in and upon the lands and tenements, real or immoveable Estates, in respect of which such release shall be granted, and be held and taken to be a valid bar to any right or claim to dower of such married woman, in or upon any such premises; And whereas it has been found necessary that the provisions of the above in part recited Section should not only apply to the case of sale or alienation of lands and tenements, real or immoveable Estates, but should also apply to cases wherein such lands and tenements are bound, mortgaged or hypothecated for securing money lent or for any other cause whatsoever; And whereas the thirty-sixth Section of the said Ordinance has been found injurious in practice; Be it therefore enacted, &c.,

Preamble.

Ordinance of Lower-Canada, 4 Vic., cap. 30.

Recital of section 35, of the said Ordinance

That the thirty-fifth Section of the Ordinance cited in the Preamble to this Act and the provisions thereof, and each and every one of

Provisions of the said section extended

to cases where  
lands are hy-  
pothecated or  
mortgaged.

them, shall after the passing of this Act, extend to and have force and effect not only in the case therein mentioned of the sale and alienation of lands and tenements, real or immoveable, held in Free and Common Soccage or *en fief*, or *à titre de cens* or *franc aleu* or under any other tenure whatever which shall or may be subject or liable to legal or customary dower, but shall extend to and have force and effect in every case in which the husband shall bind, mortgage or hypothecate such lands and tenements, real or immoveable Estate held in Free and Common Soccage or *en fief*, or *à titre de cens* or *franc aleu* or under any other tenure; and in any deed or conveyance which may be made by any husband by which such lands and tenements are so bound, mortgaged or hypothecated for or by reason of a loan or for any other cause whatsoever, it shall be lawful for any married woman being of the age of twenty-one years and upwards to join with her husband in such deed, and release her dower and right to dower in the same manner, and to the same effect as she is authorized to do by the said thirty-fifth Section above cited in the case of sale or alienation of lands and tenements as aforesaid.

Section 36 of  
the said Ordinance repealed

II. And be it enacted, That the said thirty-sixth Section of the 20 said Ordinance be and the same is hereby repealed.