

Proviso.

said Court, a Writ of execution against such *Tiers-Saisi*, directed to the Sheriff of the district, in which the *Tiers-Saisi* made his declaration, and such Writ being first duly endorsed by one of the Justices of the Court of King's Bench for the said district, shall be in all respects obeyed by such Sheriff. Provided always, that if such Plaintiff shall wish to contest the declaration of the *Tiers-Saisi*, he may move the Court, in which the suit was instituted for leave so to do, and on obtaining such leave may file his contestation of such declaration, and the said Court, shall thereupon transmit such contestation, with a true copy of the judgment in favor of the Plaintiff, and of the Writ of attachment, and of such other proceedings in the suit as the Court may deem necessary, or as either party may require, to the Court in which the declaration of the *Tiers-Saisi* was made, and the said Court shall and may proceed in all respects in regard to such contestation as if the suit had been originally brought before the said Court.

Manner in which hypothecary actions may be instituted.

V. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, any action *hypothécaire*, may be instituted and prosecuted in the district in which the Defendant (or the Defendants) shall reside at the commencement of the suit, and it shall be lawful for the Court having cognizance of such suit, to proceed with regard to the same, in such manner in all respects as is provided in the Act herein before cited, in the several cases therein mentioned: and such Court may issue a Writ or Writs of execution, directed to the Sheriff of the district in which the property hypothecated is situate, which Writ or Writs being first endorsed by one of the Justices of the Court of King's Bench for such district, shall be obeyed by such Sheriff, and the proper return thereto shall be made to the Court out of which such Writ or Writs shall have issued, and the monies levied under the same (if any) shall be paid by such Sheriff, according to the order or orders of such last mentioned Court, which shall with regard to such Writ or Writs have the same authority over the said Sheriff as it has over the Sheriff of the district, in and for which it is constituted.

## CAP. V.

An Act to extend the provisions of the "Act to establish Registry Offices  
" in the Counties of Drummond, Sherbrooke, Stanstead, Shefford and  
" Missisquoi," to lands held in free and common soccage in the Counties of the Two Mountains and Acadie.

[18th March, 1834.]

Preamble.

**W**HEREAS it is expedient to extend the provisions of the Act hereinafter mentioned to the Counties of the Two Mountains and Acadie, and to provide

vide for the enregistration of all instruments in writing in any way affecting Lands held in free and common soccage in the said Counties :—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the "fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec in North America*," "and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that all the provisions now in force of a certain Act passed in the tenth and eleventh years of the Reign of His late Majesty, chapter eighth, intituled, "An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford and Missisquoi," shall extend and they are hereby extended to all such Lands and other immoveable property as now are or shall hereafter be held in free and common soccage in the said County of the Two Mountains, or in the said County of Acadie.

Provisions now in force of a certain Act passed in the tenth and eleventh years of His late Majesty, cap. 8. extended to all such lands, &c. as are held in free and common soccage in the Counties of Two Mountains and Acadie.

Persons owning lands to enregister them.

II. And be it further enacted by the authority aforesaid, that every person owning or claiming to own any landed or immoveable property whatsoever held in free and common soccage, and lying within either of the said Counties of the Two Mountains, and Acadie, by virtue of any Act or deed in Law, or instrument in writing executed before the passing of this Act, except the Letters Patent of His Majesty, shall before the first day of May, one thousand eight hundred and thirty-six, enregister the same in the Registry Office of that one of the said two Counties, in which such Land or immoveable property shall be situate, and every such legal instrument which shall not be so enregistered shall be utterly void and of no effect whatsoever against any subsequent purchaser for a valuable consideration, and no Act or deed in Law or instrument in writing made before the passing of this Act, by which a mortgage or hypothèque has been created shall bind or affect as a mortgage, incumbrance or hypothèque, any Land or immoveable property held in free and common soccage within either of the said Counties, unless such Act, deed in Law, or instrument in writing be duly enregistered in the Registry Office of that one of the said Counties, in which such Land or immoveable property is situate, on or before the first day of May, one thousand eight hundred and thirty-five, aforesaid.

Continuance of this Act.

III. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the expiration of the Act herein before cited and extended, and no longer.