



CHAPTER 65

An Act respecting Moratorium

[Assented to, the 29th of April, 1941]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The act enacted by section 1 of the act 1 Edward VIII (2nd Session), chapter 37, is amended by adding thereto, after section 9 thereof, the following section:

“9a. A debtor, or a vendor of an immoveable with right of redemption, may obtain a delay or an extension of time up to the 1st of July, 1943, on a mere petition submitted to a judge, in chambers, of the Superior Court of the district in which the immoveable affected is situated, if he establish to the judge’s satisfaction:

- a. that he is unable to repay the principal;
- b. that the municipal, school or other taxes and charges imposed on the immoveable and exigible, except those of the current year and of the preceding year, have been fully paid without subrogation;
- c. that all fire insurance premiums owing under the terms of the deed of hypothec or of sale have been fully paid without subrogation;
- d. that the interest due and accrued upon the principal for the payment of which he is asking a delay has been fully paid without subrogation.

When a deed of hypothec or of sale or any subsequent deed stipulates interest exceeding five per cent, the debtor fulfils such last-mentioned condition, as regards interest accrued before the 1st of July, 1942, if he has paid the same at an annual rate of five per cent or

has made legal tender and deposit thereof. In such case, the accumulated difference shall, by the judgment granting a delay, become payable in not more than ten equal annual instalments, the first whereof shall be due on the first interest maturity date in the year 1943.

Service of
petition, etc.

The petition must be served by a bailiff or by the secretary-treasurer of the municipality before the expiration of the delay of thirty days from the service of the notice provided for in sections 1 and 1a. The petition must be accompanied by a notice of the date, hour and place of its presentation. The delay on such notice shall be six days from the date of service.

Evidence.

The judge to whom a petition is presented may require such information as he may deem necessary, by witnesses, affidavits or otherwise. If there is a hearing it must be held, in chambers, in the district where the immoveable hypothecated or sold is situated. The

Decision may
be rescinded.

judgment shall be final and without appeal but may be rescinded on a similar petition made by the creditor if it be proven that the circumstances which justified the delay have changed or that the necessary payments to comply with the foregoing conditions have not since been made."

1 Ed. VIII
(2nd), c. 37,
s.10, replaced.
Prescription
suspended.

2. Section 10 of the said act is replaced by the following:

"**10.** Prescription shall cease to run in respect of any right contemplated by this act during any delay obtained under its provisions."

1 Ed. VIII
(2nd), c. 37,
s. 12, am.

3. Section 12 of the said act, as amended by the acts 2 George VI, chapter 92, section 4, and 3 George VI, chapter 94, section 6, is again amended by replacing the figures: "1941", in the fifth line thereof, by the figures: "1942".

Id., s. 15,
replaced.

4. Section 15 of the said act, as amended by the acts 2 George VI, chapter 92, section 7, and 3 George VI, chapter 94, section 8, is replaced by the following:

Duration of
certain pro-
visions.

"**15.** The provisions of section 1 and of the first paragraph of section 1a shall cease to be in force on the first of July, 1942, and those of sections 3, 4 and 5, on the first of July, 1941."

1 Ed. VIII
(2nd), c. 37,
s. 17, replac-
ed.

5. Section 17 of the said act is replaced by the following:

“17. The fees of advocates on the proceedings contemplated by sections 6, 7, 8, 9 and 9a shall be limited to the sum of ten dollars.”

6. This act shall come into force on the day of its sanction.

