



## CHAPTER 94

### An Act to amend the Act respecting moratorium and safeguarding small property

*[Assented to, the 28th of April, 1939]*

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

**1.** The Act respecting moratorium and safeguarding small property (1 Edward VIII (2nd Session), chapter 37) is amended by adding thereto, after section 1 thereof, the following section:

**"1a.** No hypothecary action may be begun nor continued against a hypothecary debtor or another holder, unless the creditor shall have previously given to him the notice contemplated under section 1. Such notice shall avail against any subsequent acquirer of the immoveable for a period of sixty days, counting from the service or the mailing of the said notice.

Beginning,  
etc., of cer-  
tain hypo-  
thecary action  
contingent  
upon certain  
notice.

In the following sections, the word "debtor" designates, as the case may be, the personal debtor, the hypothecary debtor, any other holder or the purchaser of an immoveable, who has received a notice under the authority of section 1 or of section 1a."

**2.** Section 3 of the said act is amended:

a. By replacing the words: "hypothecary debtor or the purchaser of an immoveable", in the first and second lines of the first paragraph thereof, by the word: "debtor";

b. By replacing the words: "if he has paid the interest at an annual rate of five per cent or has tendered and deposited same according to law", in the fifth, sixth and seventh

1 Ed. VIII  
(2nd), c. 37,  
s. 3, am.

lines of the last paragraph thereof, by the words: "whenever the interest has been paid at an annual rate of five per cent or tender and deposit thereof have been made according to law".

1 Ed. VIII  
(2nd), c. 37,  
s. 9, am.

**3.** Section 9 of the said act, as amended by the act 2 George VI, chapter 92, section 2, is again amended by replacing the figures: "1939", in the third line thereof, by the figures: "1941".

Id., c. 37, s.  
11, replaced.

**4.** Section 11 of the said act, as replaced by the act 2 George VI, chapter 92, section 3, is again replaced by the following:

To benefit by  
delay.

**"11.** When a debtor obtains the delay provided for in this act, his guarantors and bondsmen shall benefit by such delay."

1 Ed. VIII  
(2nd), c. 37,  
s. 11a, am.

**5.** Section 11a of the said act, as enacted by the act 2 George VI, chapter 92, section 3, is amended by replacing the first paragraph thereof by the following:

Claim of  
certain  
subrogated  
third party.

**"11a.** The third party who has paid with subrogation the whole or any part of the municipal, school or other taxes and charges of the current year contemplated under paragraph 1 of section 3, and of the two years preceding such year, cannot claim recovery thereof before the 1st of July, 1941, except in the following cases: "

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

**6.** Section 12 of the said act, as amended by the act 2 George VI, chapter 92, section 4, is again amended by replacing the figures: "1939", in the fifth line thereof, by the figures: "1941".

Id., s. 13, am.

**7.** Section 13 of the said act, as amended by the act 2 George VI, chapter 92, section 5, is again amended by replacing the figures: "1939", in the seventh line thereof, by the figures: "1941".

Id., s. 15, am.

**8.** Section 15 of the said act, as amended by the act 2 George VI chapter 92, section 7, is again amended by replacing the figures: "1939", in the second line thereof, by the figures: "1941".

Coming into  
force.

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