



## CHAPTER 92

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

*[Assented to, the 8th of April, 1938]*

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

**1.** Section 1 of the act 1 Edward VIII (2nd Session),<sup>1 Ed. VIII (2nd Session), c. 37, s. 1, am.</sup> chapter 37, is amended by adding thereto, at the end thereof, the following paragraph:

“Every deed of obligation or sale containing a penalty clause for the taking back of the mortgaged property upon mere notice of the creditor shall also be assimilated to the sale mentioned in this section.”<sup>To be assimilated to sale.</sup>

**2.** Section 9 of the said act is amended by replacing the word and number: “May, 1938”, in the third line thereof, by the word and number: “July, 1939”.<sup>1 Ed. VIII (2nd Session), c. 37, s. 9, am.</sup>

**3.** Section 11 of the said act is replaced by the following:<sup>Id., s. 11, replaced.</sup>

“**11.** When a hypothecary debtor obtains the delay provided for in this act, the guarantors, bondsmen and personal debtors of the claim shall benefit by such delay.”<sup>Guarantors, etc., to benefit by delay.</sup>

“**11a.** The third party who has paid with subrogation the municipal, school and other taxes and charges of the current year and of the two years preceding it cannot claim recovery thereof before the 1st of July, 1939, except in the following cases:”<sup>Recovery restricted.</sup>

a. When the immoveable affected is the object of a sale having the effect of a sheriff's sale;

b. When the debtor, after having received a notice complying with the provisions of section 1, has not availed himself of those of sections 3 and 4."

<sup>1</sup> Ed. VIII (2nd Session), c. 37, s. 12, am. **4.** Section 12 of the said act is amended by replacing the word and number: "May, 1938", in the fifth line thereof, by the word and number: "July, 1939".

Id., s. 13, am. **5.** Section 13 of the said act is amended by replacing the word and number: "May, 1938", in the seventh line thereof, by the word and number: "July, 1939".

Id., s. 14, am. **6.** Section 14 of the said act is amended by adding thereto, after sub-paragraph *e* thereof, the following:

Hypothecs. "f. Hypothecs stipulated in a deed of sale or gift to guarantee an alimentary pension."

<sup>1</sup> Ed. VIII (2nd Session), c. 37, s. 15, am. **7.** Section 15 of the said act is amended by replacing the word and number: "May, 1938", in the second line thereof, by the word and number: "July, 1939".

Id., s. 19, added. **8.** The said act is amended by adding thereto, after section 18 thereof, the following:

Restriction as to certain action, etc. "**19.** No action or execution provided for in section 1 may be instituted or continued after the 30th of April, 1938, even against a debtor who has already obtained a delay under this act, unless the creditor again gives him the notice provided for in section 1, in which case such debtor may avail himself of the provisions of sections 3 and 4."

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