



CHAPTER 96

An Act respecting the judicial recognition of the right of ownership and the rank of the hypothec of the Canadian Farm Loan Board and to amend the act 24 George V, chapter 73

[Assented to, the 18th of May, 1935]

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

1. The Civil Code is amended by adding thereto, after C. C., art. 2183 thereof, the following article:

"2183a. The judicial recognition of the absolute right of ownership acquired by prescription by ten years or that by thirty years may take place by following the formalities provided in this respect by the Code of Civil Procedure."

2. The Code of Civil Procedure is amended by adding thereto, after article 1088d thereof, as enacted by the act 22 George V, chapter 101, section 1, the following chapter and articles:

"CHAPTER XLVII B

"JURIDICAL RECOGNITION OF THE RIGHT OF OWNERSHIP IN CERTAIN CASES

"1088e. A judge of the Superior Court of the district in which is situate an immoveable may, on a mere petition, adjudge the person or persons whom he mentions in his judgment absolute owners of the said immoveable by prescription, either by ten years or by thirty years.

Provisions
applicable.

"1088f. The foregoing articles 1088*b*, 1088*c* and 1088*d* apply, *mutatis mutandis*, to the proceedings contemplated by the preceding article.

Effect of
final judg-
ment.

"1088g. A final judgment rendered in virtue of this chapter and duly registered shall be equivalent to a just and final title for all legal purposes."

R. S., c.
51A, ss.
15*a*, 15*b*,
added.

3. The Quebec Farm Loan Act (Revised Statutes, 1925, chapter 51A, as enacted by the act 18 George V, chapter 30, section 1, and amended by the acts 21 George V, chapter 38, section 1, and 24 George V, chapter 25, section 1), is again amended by adding thereto, after section 15 thereof, the following sections:

Ranking of
certain hy-
pothees.

"15a. Every hypothec acquired, within two years from the 18th of May, 1935, by the Board or any body which may be substituted therefor, for securing a loan shall have priority of rank over all the privileges, judgments and hypothecs effected thirty years before the said hypothec, unless the registration of such privileges, judgments and hypothecs have been renewed according to law.

Registration
of deed to
constitute
renewal of
registration.

The registration of any deed in which the debtor has acknowledged his debt or by which he has assumed payment of a debt shall constitute a renewal of the registration contemplated by this section, provided that such registration has been entered in the index to immoveables.

Application
restricted.

The provisions of this section shall not apply:

a. To the privilege and hypothec of the creditor of a rent secured by vendor's privilege and hypothec;

b. To hypothecs, privileges, mortgages or pledges created by deeds of trust entered into under the Special Corporate Powers Act (Chap. 227), or under any other law;

c. To hypothecs created to secure the obligations of a gift in contemplation of death, unless the death of the donor occurred thirty years prior to the acquiring of the Board's hypothec;

d. To privileges resulting from assessments imposed for the building, rebuilding, repair or maintenance of churches, presbyteries and cemeteries, or their dependencies.

Validity of
hypothec
not affected
by lack of
registration
in certain
case.

"15b. The validity of any hypothec which the Board or any body which may be substituted therefor acquires, within two years from the 18th of May, 1935, for a loan, shall not be affected by the lack of registration of a certificate of the collector of provincial revenue, if such hypothec affects an immoveable property which formed part of the property of a succession opened before the 1st of April, 1935, or which was the only property of such succession."

4. Section 7 of the act 24 George V, chapter 73, is ^{24 Geo. V,} amended: ^{c. 73, s. 7,}
^{am.}

a. By striking out the words: “, before the coming into force of this act,”, in the second line of the first paragraph thereof;

b. By replacing the figures: “1935”, in the eleventh line of the said first paragraph thereof, by the figures: “1936”.

5. The provisions of section 4 of this act shall be deemed ^{Application} to have been in force as from the 2nd of May, 1935. ^{of section 4.}

6. This act shall come into force on the day of its ^{Coming into} sanction. ^{force.}