



CHAPTER 25

An Act to amend the Quebec Farm Loan Act to reduce the costs of registering deeds and those on the proceedings

[Assented to, the 20th of April, 1934]

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

1. The Quebec Farm Loan Act (Revised Statutes, 1925, R. S., c.51A, chapter 51A, as enacted by the act 18 George V, chapter 30, section 1, and as amended by the act 21 George V, chapter 38, section 1), is again amended by adding thereto, after section 19 thereof, the following sections:

"20. The Lieutenant-Governor in Council may attach to the provincial board an officer whose remuneration he shall determine. Attaching of officer.

Such officer must be an advocate or a notary and his remuneration shall be paid out of the consolidated revenue fund. Qualifications, etc., of same.

"21. Subject to the control of the Attorney-General, such officer shall be charged with:

1. Acting as intermediary between the provincial board and any farmer who is soliciting a loan from the Board; Intermediary;

2. Examining and coördinating the deeds and documents furnished by a borrower wishing to obtain a loan from the Board; Examinations, etc.;

3. Performing all other functions and duties, which the Attorney-General may determine, before the provincial board or the Board, on behalf of farmers of the Province who apply for loans. Other functions, etc.

"22. Whenever, by the terms of the loan contract, the Board is entitled to realize upon its security, it may, Realizing upon security.

instead of proceeding by an action in the ordinary way, realize upon the security by means of the proceedings hereinafter provided.

Notice for
payment.

"23. By a notice served upon the borrower or his assigns, in the manner provided in subsection 2 of section 24, the Board shall require payment of the debt, in accordance with the terms of the contract, within a delay of thirty days if the claim is for interest only, and within sixty days if it relates to the principal or part thereof.

Delay.

Petition if
payment
not made.

"24. 1. If the borrower fail to make payment of the amount claimed by the Board, in accordance with the above notice, the latter shall present a petition to a judge of the Superior Court, sitting in the district wherein the immovable is situated, for an order enjoining the sale of the hypothecated immovable.

Service of
petition.

2. Such petition shall be served by a bailiff or by the secretary-treasurer of the municipal corporation, and must be accompanied by a notice of the place, date and hour when it will be presented. The delay upon such notice shall be that of ordinary actions.

Prescription
inter-
rupted.

3. Such petition, from the time of its filing in the office of the court, shall constitute an interruption of prescription.

Proceedings
upon peti-
tion.

4. Proceedings upon such petition shall be summary and the judge may, at his discretion, order the debtor to reply in writing.

Judgment.

5. The judgment upon such petition shall be final and without appeal.

Order by
judge if
proof estab-
lished.

"25. If the proof upon the petition establishes that the amount claimed by the Board is due, the judge shall order the issue, against the immovable property or properties of the borrower which is or are security for the loan, of a writ *de terris* which might have been issued by the court having jurisdiction if judgment had been obtained for the same amount, and if the delay by law allowed between the judgment and execution had expired.

Contents,
etc., of
writ.

"26. The writ issued under the above section 25 shall contain a description, in accordance with Article 2168 of the Civil Code, of the hypothecated immovable or immovables, and shall be executed by the sheriff, and the sum owing to the Board by the borrower shall be levied in virtue of such writ, with costs.

Subsequent
proceed-
ings.

Subject to the provisions of section 27, all subsequent proceedings shall be had as if judgment had in fact been obtained.

"27. 1. Notwithstanding any provision to the contrary, the sheriff shall seize, at his office, the immovable property or properties securing the loan for which a petition has been presented under this act, without having to interrogate the debtor in accordance with Article 705 of the Code of Civil Procedure. Seizure by sheriff.

2. A duplicate of the minutes of seizure shall be transmitted by the sheriff to the borrower against whom a writ *de terris* has been issued under this act, by registered letter to the last known address of such borrower. If such address be unknown, a duplicate of the minutes shall be left in the office of the court which ordered the issue of the writ *de terris*. Duplicate of minutes of seizure.

3. The publication and posting, provided for by paragraph 2 of Article 717 of the Code of Civil Procedure, shall not be done by the sheriff but must be effected, at the option of the latter, by a bailiff of the place wherein the immovable is situated or by a literate person of such place. By whom publication, etc., effected.

"28. The Lieutenant-Governor in Council may enact:

1. That the commission of two and one-half per cent contemplated by section 2 of the Officers of Justice Salary Act (Chap. 155) and the duty of one per cent contemplated by section 13 of the Court House and Gaol Act (Chap. 156) shall not be collectable on the sale of an immovable made: Dispensing with commission.

a. At the suit of the Board, under this act or upon execution of a judgment rendered in the usual way;

b. At the suit of a third party, when the immovable secured a loan made by the Board;

2. That no duty shall be payable to the Crown on the registration of deeds setting forth a loan to a borrower, on the searches made in registration offices and on the certificates issued by the registrars, for the benefit of a farmer asking for a loan from the Board; Non-payment of duty to Crown.

3. That the publications of notice in the *Quebec Official Gazette*, advertising the sale of an immovable securing a loan made by the Board, shall be gratuitous. Gratuitous publications.

"29. The Lieutenant-Governor in Council may, likewise, on such conditions as he may determine:

1. Reduce the fees allowed by their tariffs, to registrars who receive no fixed salary; Reducing of fees

2. Suspend the application of the registrars' tariff, when they receive a fixed salary." Suspending of tariff.

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

