



CHAPTER 73

An Act to amend the Act to suspend the exigibility of hypothecary and other claims

[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. Section 1 of the Act to suspend the exigibility of hypothecary and other claims (23 George V, chapter 99) is amended: 23 Geo. V, c. 99, s. 1, am.

a. By inserting therein, after the word: "claim", in the third line of the first paragraph thereof, the words: "even when the deed constituting same entails a giving in payment,";

b. By inserting therein, after the word: "debtor", at the end of the said first paragraph thereof, the words: "Such notice shall avail against any subsequent purchaser of the immoveable during a period of sixty days counting from the service or from the mailing of the said notice."

2. The said act is amended by inserting therein, after section 1 thereof, the following section: Id., s. 1a, added.

"**1a.** Where the service contemplated by section 1 cannot be effected and where same is attested by a return of the bailiff or secretary-treasurer to that effect, a judge of the Superior Court of the district wherein the immoveable affected is situated, or the prothonotary, may determine the mode of service." Mode of service determined by judge in certain event.

3. Section 2 of the said act is amended:

a. By inserting therein, after the word: "presented", in the third line thereof, the words: "for reception"; 23 Geo. V, c. 99, s. 2, am.

b. By inserting therein, after the word: "Montreal", in the seventh line thereof, the words: ", and duly served".

23 Geo. V,
c. 99, s. 7,
am.

4. Section 7 of the said act is amended by replacing the figures: "1934", in the second line thereof, by the figures: "1935".

Id., s. 12,
am.

5. Section 12 of the said act is amended by replacing the figures: "1934", in the second line thereof, by the figures: "1935".

Id., s. 13,
replaced.

6. The said act is amended by replacing section 13 thereof by the following section:

Advocates'
fees.

"13. Fees not exceeding five dollars may be claimed by advocates presenting such petitions, whether contested or not."

Petition for
additional
delay.

7. Any person, partnership or corporation who or which, before the coming into force of this act, has obtained a delay under the act 23 George V, chapter 99, may, upon request made to the prothonotary, have submitted to a judge of the Superior Court the petition in virtue whereof such delay has been obtained, and such judge, if it be established to his satisfaction that the petitioner is within the conditions stipulated in the said act 23 George V, chapter 99, to obtain a delay, may grant any additional delay that he deems opportune, but not extending beyond the 1st of May, 1935.

Costs.

The petitioner, upon this new request, cannot be condemned to pay costs.

Retroactive
provisions.

8. The provisions of section 2 of this act shall be deemed to have been in force from the 13th of April, 1933.

Coming into
force.

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