



CHAPTER 104

An Act to amend Articles 945, 947 and 2157*b* of the Civil Code

[Assented to, the 13th of April, 1933]

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

1. Article 945 of the Civil Code as it appears in article C. C., art. 5802 of the Revised Statute, 1888, is replaced by the 945, replaced following:

“945. All substitutes, born and unborn, are represented in all inventories and partitions by a curator to the substitution, appointed in the manner established as regards tutors. Curator to substitution.

All persons who are competent to demand the appointment of a tutor to a minor of the same family may also demand the nomination of a curator to the substitution. Who may demand nomination thereof.

The curator to the substitution attends to the interest of such substitutes and represents them in all cases in which his intervention is requisite or proper. Duties thereof.

The intervention of the curator is specially required in the cases provided for in Article 947, but not with respect to the revenues belonging to the institute. Idem. Restriction.

The curator may intervene specially to take cognizance of all deeds, documents, titles and proceedings, concerning the property of the substitution, their investment, their deposit in a bank or their withdrawal. Duties respecting deeds, etc.

The institute who neglects to demand this nomination of a curator may be declared to have forfeited in favour of the substitutes the benefit of the disposition.” When nomination neglected.

C. C., art.
947, am.

2. Article 947 of the said Code is amended by replacing the third paragraph thereof by the following:

Payments,
etc., by
institute.

“With the consent of the curator to the substitution, or, if the curator refuses, with the authorization of the court, the institute makes all payments, receives moneys due, reimbursements and the proceeds of sales or liquidations, deposits temporarily in a bank and withdraws therefrom the moneys of the substitution, invests capital sums and exercises before the courts all the powers necessary for these purposes.”

C. C., art.
2157b, am.

3. Article 2157b of the said Code, as enacted by the act 20 George V, chapter 101, section 1, and amended by the act 22 George V, chapter 92, section 1, is again amended by adding thereto the following paragraph:

Registra-
tion deemed
renewed.

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

Proviso.

Coming into
force.

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