



CHAPTER 71

An Act to amend the Special Corporate Powers Act with respect to certain registrations

[Assented to, the 22nd of March, 1928]

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

1. Section 12 of the Special Corporate Powers Act (Revised Statutes, 1925, chapter 227) is replaced by the following: R. S., c. 227, s. 12, replaced.

"12. The rights which such hypothec and mortgage give upon immoveables, and the manner in which they must be registered, shall be governed by the provisions of the Civil Code in the title of *Privileges and Hypothecs* and that of *Registration of Real Rights*, and they shall be subject thereto where not derogated from by the provisions of this section. Provisions applicable.

The mortgaging and pledge of moveables shall confer a privilege upon moveables present and future, ranking immediately after the other privileges on moveables, enumerated in articles 1994, 1994a, 1994b and 1994c of the Civil Code. Privilege upon moveables.

Such hypothec, such privilege, such mortgage and such pledge, whether affecting moveables or immoveables, shall take effect only from the date of the registration, in the manner hereinafter provided, of the deed by which they are constituted, (a) in the case of immovable property being affected, in the registry office of the registration division in which such property is situated; and (b) in the case of moveable property, in the registry office of the registration division in which the company has its head office in the Province, and also in every other division in which it has a place of business. Effect, after registration.

Formalities
of registra-
tion.

The following shall be produced at the proper registry office: three duly certified copies of such deed and a memorial thereof, made before a notary by deed *en minute* or *en brevet*, and drawn up in conformity with form 1 of the annex to this act or in any other form to the same effect.

Disposal of
copies.

Two copies shall be kept in the registry office and one returned to the person who produced it for registration, with a certificate of registration attached, according to form 2 of the annex to this act.

Transcrip-
tion in spe-
cial register.

The said memorial shall be transcribed into a special register called: "Register of hypothecs and other rights granted by corporations to guarantee debentures".

Provisions
applicable.

The provisions of article 2164a of the Civil Code shall apply to the above-mentioned special register.

Fees of
registrar.

The Lieutenant-Governor in Council may fix the fees to which the registrar shall be entitled for the various services in connection with the registration above prescribed."

R. S., c. 227,
s. 13, am.

2. Section 13 of the said act is amended by adding thereto the following paragraph:

Cession,
etc., to be
registered.

"The cession and transfer referred to by this section shall be subject to registration in accordance with the rules contained in the preceding section 12."

R. S., c. 227,
annex ad-
ded.

3. The said act is amended by adding thereto, after section 15 thereof, the following annex:

"ANNEX

"FORM 1. (Sections 12,13)

"Memorial of a deed (*title of deed*), made under the authority of the Special Corporate Powers Act (Revised Statutes, 1925, chapter 227) at (*name of place where deed was made*) by Mtre. (*name of notary*), notary, on the (*date written in letters*) day of (*month in letters*) one thousand nine hundred and (*year in letters*) under the number (*number in letters*) of his minutes, by (*name of company*), and hypothec in favour of (*name*) in capacity of trustee (*as the case may be*) for an amount of (*amount of hypothec in letters*) with additional hypothec for (*amount of hypothec in letters*) affecting:

a. the immoveable property therein described, namely (*copy verbatim of the description of the immoveables affected and included in the registration division*), and

b. the moveable property therein described (*if necessary*), and

c. (*mention the cession and transfer referred to by section 13 of this act, if any*)."

"FORM 2. (Sections 12,13)

"Office of the registration division of (*name of division*).

I, the undersigned, certify that this document has been duly registered in this office, in accordance with the provisions of the Special Corporate Powers Act (Revised Statutes, 1925, chapter 227), at (*hour in letters*) o'clock and (*minutes in letters*) minutes, on the (*date in letters*) day of (*month in letters*) one thousand nine hundred and (*year in letters*) under the number (*number in letters*).

(Signature of Registrar)"

4. This act shall come into force on the day which it ^{Coming into} may please the Lieutenant-Governor in Council to fix by ^{force.} proclamation.
