

C H A P. 76

An Act to amend article 1880 of the Civil Code

[Assented to, the 3rd of April, 1925]

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

C. C., art.
1880, re-
placed.

Business of
partnership
and name.

1. Article 1880 of the Civil Code is replaced by the following article:

"1880. The business of the partnership is to be conducted under a partnership name or firm, in which use is made only of the names of the general partners, or of one or more of them, or of the name or names of the special partners."

Coming into
force.

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

C H A P. 77

An Act concerning certain subdivisions of property

[Assented to, the 3rd of April, 1925]

Preamble.

WHEREAS certain lands have been up to the present time subdivided and sold in town and village lots, without plans and books of reference having been previously prepared in accordance with article 2175 of the Civil Code or in compliance with the acts 38 Victoria chapter 15, section 2; 48 Victoria, chapter 26; 53 Victoria, chapter 53; 1 George V (1911), chapter 48, or 5 George V, chapter 77;

Whereas serious inconvenience has been thereby occasioned to the public generally and to the present holders of such lands; and

Whereas it is expedient to remedy the same for the past, and prevent it for the future;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Making of
plan and
book of re-
ference in
certain case.

1. 1. In the case where a property designated upon a plan or book of reference, before the coming into force of this act, has been, in whole or in part, subdivided and sold as town or village lots, without there having previously

been prepared a plan and book of reference according to article 2175 of the Civil Code, or in compliance with the acts 38 Victoria, chapter 15, section 2; 48 Victoria, chapter 26; 53 Victoria, chapter 53; 1 George V (1911), chapter 48, or 5 George V, chapter 77, the Minister of Colonization, Mines and Fisheries may, on petition addressed to him by a majority of the persons interested, permit that a plan and a book of reference of the subdivision of such property or portion of a property be made, provided that the following formalities be observed:

a. A plan shall be made, bearing numbers as ordinary subdivisions, also a book of reference corresponding therewith, which shall be signed and certified as correct by the majority of the parties interested, and addressed, with a copy of such plan and book of reference, to the Minister of Colonization, Mines and Fisheries, who shall keep the original, and remit such copy, certified by him, to the registrar of the registration division in question; Formalities.

b. The registrar shall then prepare his index to immovables for such property or portion of a property for which a cadastre has been thus made, in his index book for the subdivisions;

c. On certificate of the registrar of the deposit of the plan and book of reference of such subdivision so made, the Lieutenant-Governor in Council shall issue a proclamation, by which he shall order that all the hypothecs particularly affecting any of the lots mentioned in the said plan and book of reference, and not including the hypothecs affecting the whole property so divided, be renewed within a delay of one year, to be computed from the day fixed in such proclamation, and, in default of such renewal being made, any person who has not conformed to the provisions of this section shall lose his rank or priority of hypothec. Such proclamation shall be once published in the *Quebec Official Gazette*, and in a daily newspaper of the cities of Montreal and Quebec, and in a local newspaper if any there be;

d. The registrar shall then immediately transmit, by registered letter, to each creditor having a hypothec affecting particularly one of the lots mentioned on the said plan and in said book of reference, whose name is entered in the register of addresses, a notice informing him of the issuing of the said proclamation and of the contents thereof. If the name of the creditor is not entered in the register of addresses, the registrar shall then send the letter by registered mail to the residence of the creditor indicated in the deed of hypothec.

2. The cost of such plan, book of reference and notice shall be borne by the persons interested. Costs.

Petition, in certain cases, to the Minister.

2. 1. In the case mentioned in paragraph 1 of section 1 of this act, when one or more owners of such properties so subdivided into town or village lots are unable to obtain the signature of the majority of the owners interested, they may nevertheless, in their personal names, address the petition therein mentioned to the Minister of Colonization, Mines and Fisheries, setting forth that it has been impossible, for the reasons given, to obtain the consent provided for by the said paragraph 1 of section 1.

Summoning of parties by notice.

The Minister, on such proof as he deems sufficient of the facts set forth in the petition, shall publish a notice for four consecutive weeks in the *Quebec Official Gazette*, calling upon all the parties interested to state, either verbally or in writing, the reasons they advance against the petition; such reasons to be stated, as aforesaid, at the time therein mentioned, and subsequent to the last publication of the notice.

Plan and book of reference, in certain event.

If the Minister considers that he may grant the petition, with or without amendment, after having examined the reasons, if any there be, advanced on the one side or the other, or heard the interested parties who have appeared before him, he may permit a plan and book of reference of the subdivision of such property or portion of a property to be made, provided that the following formalities be observed:

Formalities.

a. A plan shall be made, bearing numbers as ordinary subdivisions, also a book of reference corresponding therewith, which shall be signed and certified as correct by the signatories to the petition and all other interested parties consenting thereto, and addressed, with a copy of such plan and book of reference, to the Minister of Colonization, Mines and Fisheries, who shall keep the original and remit such copy, certified by him, to the registrar of the registration division in question;

b. The registrar shall then prepare his index to immovables for such property or portion of a property for which a cadastre has been thus made, in his index book for the subdivisions;

c. On certificate of the registrar of the deposit of the plan and book of reference of such subdivision so made, the Lieutenant-Governor in Council shall issue a proclamation, by which he shall order that all the hypothecs particularly affecting any of the lots mentioned in the said plan and book of reference, and not including the hypothecs affecting the whole property so divided, be renewed within a delay of one year, to be computed from the day fixed in such proclamation; and, in default of such renewal being made, any person who has not conformed to the provisions of this section shall lose his rank or priority of hypo-

thec. Such proclamation shall be once published in the *Quebec Official Gazette*, and in a daily newspaper of the cities of Montreal and Quebec, and in a local newspaper if any there be.

d. The registrar shall then immediately transmit, by registered letter, to each creditor having a hypothec affecting particularly one of the lots mentioned on the said plan and in said book of reference, whose name is entered in the register of addresses, a notice informing him of the issuing of the said proclamation and of the contents thereof. If the name of the creditor is not entered in the register of addresses, the registrar shall then send the letter by registered mail to the residence of the creditor indicated in the deed of hypothec.

2. Such costs as are absolutely necessary for the pre-^{Costs.}paration of such plan, book of reference and notice under this section shall be borne by all the interested persons, without distinction between those who have approved and those who have disapproved of the petition, in the proportion of the municipal valuation of their respective subdivisions mentioned in the said plan and book of reference.

3. This act shall apply only to facts anterior to the date ^{Application}of its coming into force, and must not be interpreted as ^{and inter-}permitting in the future the making of plans and books of ^{pretation.}reference otherwise than in conformity with the provisions of article 2175 of the Civil Code.

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

CHAP. 78

An Act to amend the Civil Code respecting the registers in the registry offices

[Assented to, the 4th of March, 1925]

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

1. The following article is inserted in the Civil Code ^{C. C., art.}after article 2181 thereof: ^{2181a,}

“**2181a.** Whenever there exist irregularities with res- ^{Remedying}pect to the authentication of the registers or in the manner ^{irregular-}of the keeping thereof, the Lieutenant-Governor in Council ^{ities of re-}gisters.”