

CHAP. 90

An Act to amend the Civil Code respecting the authorization required by article 1318

[Assented to, 25th of February, 1921]

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

C. C., art.
1318, repla-
ced.

1. Article 1318 of the Civil Code, as amended by the act 10 George V, chapter 77, section 2, is replaced by the following:

Wife regains
administra-
tion of pro-
perty.

"1318. The wife, when separated either from bed and board or as to property only, regains the uncontrolled administration of her property. She may dispose of and alienate her moveable property. She cannot alienate her immoveables (a) in the case of separation as to property only, without the consent of her husband, or, upon his refusal, without being judicially authorized, or (b) in the case of separation from bed and board, without being judicially authorized.

Notice of
petition.

Notice of the petition for judicial authorization must be served on the husband in the ordinary way. In case of his absence the notice may be served at his last known address."

Validation
of certain
alienation.

2. Every alienation of an immoveable by a married woman separate as to property, made since the 14th of February, 1920, with only the authorization of her husband, when judicial authorization was necessary, shall be valid, provided it was otherwise legal.

Pending
cases.

3. The provision contained in section 2 of this act shall not affect pending cases.

Coming
into force.

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