

C H A P . 7 3

An Act to amend article 7600 of the Revised Statutes, 1909, relating to the admission of bailiffs in the district of Saguenay.

[Assented to 5th March, 1915]

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

- R. S. 7600, am.
Court may relieve candidate from examination.
- 1.** Article 7600 of the Revised Statutes, 1909, is amended by adding thereto a new paragraph, as follows:
“In the district of Saguenay, the court, instead of referring the petition to the prothonotary, may relieve the candidate from such examination, and accept any other proof of his qualification as it may deem sufficient.”
- Coming into force.
- 2.** This act shall come into force on the day of its sanction.

C H A P . 7 4

An Act to amend the Civil Code respecting successions.

[Assented to 5th March, 1915]

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

- C.C. art. 598, replaced.
- 1.** Article 598 of the Civil Code is replaced by the following:
“**598.** Abintestate succession is divided into legitimate succession, which is conferred by law upon the surviving consort capable of inheriting and relatives, and irregular succession, when, in default of surviving consort capable of inheriting and relatives, it devolves upon the crown.”
- Abintestate succession.
- C.C. art. 606, replaced.
- 2.** Article 606 of the Civil Code is replaced by the following:
“**606.** Abintestate successions pass to the lawful heirs in the order established by law; in default of such heirs they fall to the crown”.
- Devolution.

3. Article 607 of the Civil Code is replaced by the C.C. art. 607, following: replaced.

“607. The lawful heirs, when they inherit, are seized Seizin, &c. by law alone of the property, rights and actions of the deceased, subject to the obligation of discharging all the liabilities of the succession; but the crown requires to be judicially put in possession in the manner set forth in the Code of Civil Procedure”.

4. Article 614 of the Civil Code is replaced by the C.C. art. 614, following: replaced.

“614. Successions devolve to the surviving consort Surviving consort, &c. capable of inheriting, children and descendants of the deceased, and to his ascendants and collateral relations, in the order and according to the rules hereinafter laid down”.

5. Section third of chapter third of title first of book Section III of third of the Civil Code, comprising article 625, is replaced c. 3, of Title 3, C.C. re- as follows: placed.

“SECTION III.

‘ OF SUCCESSIONS DEVOLVING TO THE SURVIVING CONSORT AND DESCENDANTS’.

“624a. The wife succeeds to her husband, and the Wife succeeds to her husband, &c. husband to his wife, when the deceased leaves no issue and has no father or mother living, and is without collateral relations up to nephews or nieces in the first degree inclusively.

“624b. If the deceased leave a consort capable of Dying leaving issue and consort, &c. inheriting, and issue, the surviving consort takes one-third, and the child or the children take the other two-thirds, to be divided between them, in case there is more than one child, in equal shares.

If the deceased die leaving no issue, but leaving a con- Without issue, &c. sort capable of inheriting, and a father and mother, or either of them, and collateral relations up to nephews or nieces in the first degree inclusively, the surviving consort takes one-third, the father and mother or the one of them surviving take one-third, and the collateral relations above mentioned take the other third.

If the deceased die leaving no issue, but leaving a con- Idem. sort capable of inheriting, and a father or mother, or both, but leaving no collateral relations up to nephews or nieces in the first degree inclusively, the surviving consort takes half, and the other half devolves to the father or mother, or to both, as the case may be.

Idem. If the deceased die leaving no issue, nor father nor mother, but leaving a consort capable of inheriting, and collatera relations up to nephews and nieces in the first degree, inclusively, the surviving consort takes half, and the other half is divided among the collateral relations above mentioned.

Renunciation of certain rights. **“624c.** If there be issue, or a father or mother, or both, or collateral relations up to nephews or nieces in the first degree inclusively, as the case may be, the wife in order to be able to succeed to her husband must abandon all her rights in any community of property that may have existed between herself and the deceased, as well as all rights of survivorship accruing to her under her marriage contract or by law, including dower; nor can the husband succeed to his wife unless he first pay into the mass, as if it were a return made under the provisions of article 700, his share in any community of property which may have existed between him and his wife, when such community has been accepted by the succession of his said wife, or abandon to such mass all the rights and advantages conferred on him by any marriage contract which may have existed between them.

Insurance. In the case mentioned in this article, the surviving consort, in order to be entitled to succeed to the deceased consort, must also renounce his or her rights to the proceeds of insurance policies made in his or her favour by the deceased consort, and return such proceeds to the mass.

Exclusion from the succession. **“624d.** The surviving consort is excluded from the succession when the deceased consort died before having reached the age of majority.

Children, &c. succeed by heads or by roots, as the case may be. **“625.** If there be no surviving consort capable of inheriting, children or their descendants succeed to their father and mother and grandfather and grandmother, or other ascendants.

In all cases children or their descendants succeed without distinction of sex or primogeniture, and whether they are the issue of the same or of different marriages. In all cases they inherit in equal portions and by heads when they are all in the same degree and in their own right; they inherit by roots when all, or some of them, come by representation”.

C.C. art. 626, replaced. **6.** Article 626 of the Civil Code is replaced by the following:

Father, &c. succeeds. **“626.** If a person dying without a consort capable of inheriting or issue surviving, leave his father and mother

and also brothers or sisters, or nephews or nieces in the first degree, the succession is divided into two equal portions, one of which devolves to the father and mother, who share it equally, and the other to the brothers and sisters, nephews and nieces of the deceased, according to the rules laid down in the following section”.

7. Article 628 of the Civil Code is replaced by the following: C.C. art. 628, replaced.

“**628.** If the deceased leave no consort capable of inheriting or issue surviving, nor brothers nor sisters, nephews nor nieces in the first degree, nor father nor mother, but only other ascendants, the latter succeed to him to the exclusion of all other collaterals.” Ascendants &c., succeed.

8. Article 630 of the Civil Code is replaced by the following: C.C. art. 630, replaced.

“**630.** Ascendants inherit, to the exclusion of all others, property given by them to their children or other descendants who die without leaving a consort capable of inheriting or issue surviving, where the objects given are still in kind in the succession; and if they have been alienated, the price, if still due, accrues to such descendants. Ascendants succeed to things given by them.

They also inherit the right which the donee may have had of resuming the property thus given”.

9. Article 631 of the Civil Code is replaced by the following: C.C. art. 631, replaced.

“**631.** If the father and mother of a person dying without leaving a consort capable of inheriting or issue surviving, or one of them, have survived him, his brothers and sisters as well as his nephews and nieces in the first degree, are entitled to one-half of the succession.” Brothers, sisters, &c. inherit.

10. Article 634 of the Civil Code is replaced by the following: C.C. art. 634, replaced.

“**634.** If the deceased, having left no consort capable of inheriting nor issue surviving, nor father, nor mother, nor brothers, nor sisters, nor nephews nor nieces in the first degree, leave ascendants in one line only, the nearest of such ascendants takes one half of the succession, the other half of which devolves to the nearest collateral relation of the other line. Ascendants in one line only, &c.

If, in the same case, there be no ascendants, the whole succession is divided into two equal portions, one of which devolves to the nearest collateral relation of the paternal line, and the other to the nearest of the maternal line. Collaterals.

Among collaterals, saving the case of representation, the nearest excludes all the others; those who are in the same degree partake by heads."

C.C. art. 636, replaced. **11.** Article 636 of the Civil Code is replaced by the following:

Devolve to the crown. **"636.** When the deceased leaves no consort capable of inheriting nor relations within the heritable degree, his succession falls to the crown."

C.C. art. 637, repealed. **12.** Article 637 of the Civil Code is repealed.

C.C. art. 638 replaced. **13.** Article 638 of the Civil Code is replaced by the following:

Inventory. **"638.** In the case of article 636, a statement of the property of the succession coming to the crown must be made at its diligence, by means of an inventory or other equivalent instrument, before it can claim to be authorized to take possession."

Temporary provisions. **14.** The consort, now surviving, is also excluded from the succession when the deceased has been interdicted previous to the coming into force of this act, and dies without having been relieved from such interdiction.

C H A P . 7 5

An Act to amend the Civil Code by inserting therein article 2120*a*, and by amending articles 2133 and 2147*a*, relating to the acquisition of certain real rights.

[Assented to 5th March, 1915]

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

C. C. art. 1220*a*, enacted. **1.** The Civil Code is amended by inserting therein, after article 2120 thereof, a new article, as follows:

Hypothec to take effect on registration notice. **"2120*a*.** Whenever future immoveable property is hypothecated, under articles 6119*a* and following of the Revised Statutes, 1909, as enacted by the act 4 George V, chapter 51, section 1, the hypothec shall affect any immoveable subsequently acquired, upon the registration of a notice indicating and describing the immoveable property