

When the sale of an immoveable mentioned in the list and notice above mentioned is not proceeded with, the clerk in charge of such sale must inform the registrar thereof by registered letter.”

Notice to registrar that sale did not proceed.

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

Coming into force.

CHAP. 77

An Act to amend articles 2168 and 2175 of the Civil Code, and to enact certain new provisions relating to subdivisions of property.

[Assented to 5th March, 1915]

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, or 1 George V (2nd session), chapter 48; and

Whereas serious inconvenience has been thereby occasioned 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:

1. Article 2168 of the Civil Code is amended by adding thereto, as a continuation of the first paragraph thereof, the following: “The foregoing, however, does not apply to town or village lots, the manner of subdividing and designating which is governed by article 2175.”

C. C. art. 2168, am. Provisions not applicable in certain cases.

2. Article 2175 of the Civil Code, as contained in article 5847 of the Revised Statutes of 1888, is amended by adding thereto a new paragraph, as follows:

C. C. art. 2175, am.

“The designation of a lot is, consequently, valid only if it contains the number mentioned on the plan and in the book of reference of the subdivision, prepared and deposited as hereinabove provided.”

Validity of designation of a lot.

3. 1. In the case where a property, before the coming into force of this act, has been, in whole or in part, subdivided

Minister may allow

plan and book of reference to be made in certain case. vided and sold as town or village lots, without there having previously been a plan and book of reference prepared 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, or 1 George V (2nd session), chapter 48, 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:

Manner in which they shall be made.

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;

Index to immovables.

b. The registrar shall then prepare his index to immovables for such property or portion of a property thus cadastrated, in his index book for the sub-divisions;

Proclamation that hypothecs be renewed within one year.

c. On certificate of the registrar of the deposit of the plan and book of reference of such division 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;

Registrar to notify creditors.

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.

Costs.

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

In case majority of proprietors do not sign, one or more pro-

4. 1. In the case mentioned in paragraph 1 of section 3 of this act, when one or more proprietors of such properties so subdivided into town or village lots are unable to obtain the signature of the majority of the proprietors 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 3. prietors may make petition personally.

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 on or before a date therein mentioned, and subsequent to the last publication of the notice. Interested parties to be summoned by notice.

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. Plan and book of reference may be prepared on certain conditions.

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; Manner in which they shall be made.

b. The registrar shall then prepare his index to immovables for such property or portion of a property thus cadastrated, in his index book for the subdivisions; Index to immovables.

c. On certificate of the registrar of the deposit of the plan and book of reference of such division 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; Proclamation that hypothecs be renewed within one year.

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 Registrar to notify creditors.

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.

Costs.

2. Such costs as are absolutely necessary for the preparation of such plan and book of reference 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.

Section 3 and 4 to apply only to facts anterior to coming into force of act.

5. The provisions of sections 3 and 4 of this act shall apply only to facts anterior to the date of its coming into force, and must not be interpreted as permitting in the future the making of plans and books of reference otherwise than in conformity with the provisions of article 2175 of the Civil Code.

Coming into force.

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

CHAP. 78

An Act relating to the authentication of certain registers and books of registration in the district of Montreal.

[Assented to 5th March, 1915]

Preamble.

WHEREAS certain registers and other registration books in the district of Montreal have not been authenticated in the exact manner required by law, but by the facsimile of the signature or initials of the prothonotary of the Superior Court of the district of Montreal;

Whereas doubts exist as to the sufficiency of such authentication; and whereas it is expedient to remove such doubts;

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

Appointments to examine registers, &c.

1. The Lieutenant-Governor in Council may authorize one or more of the deputy-prothonotaries of the Superior Court for the district of Montreal, as the nature of the work may require, to make a verification of, and to examine, the different registers and registration books in use in the district of Montreal, which have been irregularly authenticated by the facsimile of the signature or initials of the