

C H A P. 63

An Act to amend the Civil Code respecting bulk sales of merchandise.

[Assented to 19th February, 1914]

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

1. Article 1569*b* of the Civil Code, as enacted by the 1569*b*, C. C. act 1 George V (1st session), chapter 39, section 1, is ^{am.} amended by striking out, in the eighth, ninth, tenth, eleventh and twelfth lines of the first paragraph of the said article, the words : "The persons who have sold him the said stock in trade or merchandise and who have not been paid, and the amounts due or to become due to each of such persons as the price or part of the price thereof," and substituting therefor the words : "all ^{Affidavit to} creditors of the said seller, and the amounts due or to ^{contain} become due to each of such creditors, and the origin of ^{names of all} each claim, that is to say, whether it is for wages, for ^{creditors and} money loaned, for goods sold and delivered, or otherwise". ^{claim.}

2. Article 1569*c* of the Civil Code, as enacted by the 1569*c*, C. C. act 1 George V (1st session), chapter 39, section 1, is ^{replaced.} replaced by the following :

"**1569*c*.** Whenever any person shall directly or ^{Certain sales} indirectly buy in bulk any stock in trade or merchandise, ^{void as to} including the transfer of a license certificate for the sale ^{creditors of} of intoxicating liquor, and shall pay any part of the ^{seller.} purchase price, or execute or deliver to the seller or to his order, or to any person for his use, any promissory note or other document for or on account of the purchase price of said goods or any part thereof, without having first obtained from the seller or from his agent, or, if the seller is a company or a partnership, from the president, secretary or manager of such company or partnership, an affidavit purporting to be such as is provided for in article 1569*b*, then such sale shall be deemed to be fraudulent, and shall, as regards creditors of the seller, be null and of no effect, unless all the creditors of the seller be paid in full out of the proceeds of such sale".

3. Article 1569*d* of the Civil Code, as enacted by the 1569*d*, C. C. ^{am.}

Act 1 George V (1st session), chapter 39, section 1, is amended :

Payment to
be made to
all creditors.

a. By striking out the words : “the sums which are due them for such effects or merchandise”, in the fourth and fifth lines of the 1st paragraph, and substituting therefor the words : “having regard, however, to all privileges provided for by law, the sums due to said creditors, or such proportion of such sums as can be paid out of such purchase price” ;

b. By adding another paragraph at the end of said article, as follows :

Buyer per-
sonally liable
in certain
case.

“ If the buyer, after having received an affidavit purporting to be such as is provided for in article 1569*b*, shall fail to observe the requirements of this article, then such buyer shall be personally responsible to the creditors of the seller named in the said affidavit, for the amounts set opposite their respective names therein”.

Schedule am.

4. The schedule under article 1569*b* of the Civil Code, as enacted by the Act 1 George V (1st session), chapter 39, section 1, is replaced by the following :

“SCHEDULE

“(ARTICLE 1569*b*)

“*Seller's Affidavit*

“I, of , in the Province of Quebec, seller (*or agent of the seller*), being duly sworn, depose and say :

That I have sold (*or agreed to sell, or in the case of a company or a partnership, that the company or the firm of has sold or agreed to sell*) my (*or its*) stock in trade or merchandise situate at for the sum of \$.

That the following names and addresses, to the best of my knowledge and belief, are the names and addresses of all my creditors (*or of all the creditors of the company or firm*), and that the amounts set opposite their names are the amounts which are due to them or which are

still to become due, in the manner and for the reasons as set out in the column entitled "Origin of claim."

Names and surnames	Addresses	Amounts due	Amounts to become due	Origin of claim

That I have not (*or* that the company has not) to my knowledge, any other creditors than those herein-before mentioned.

Sworn before me
at this day
of 19 ."

CHAP. 64

An Act to amend the Civil Code relating to privileges of certain workmen on moveable property.

[Assented to 19th February, 1914]

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

. **1.** The Civil Code is amended by inserting therein, C. C. 1994*d*, after article 1994*c*, as enacted by the act 57 Victoria enacted. chapter 47, section 1, and amended by the act 62 Victoria chapter 50, section 1, a new article, as follows:

"**1994*d*.** Workmen who have worked for persons giving Privilege for theatrical or other profit-making exhibitions, including workmen who have