

the said will of the said late Harrison Stephens, ratified and declared valid and binding, both as regards the purchaser's rights and those of the institutes and substitutes in the said substitution.

The price of sale payable to the estate of the late Harrison Stephens when paid shall be invested or deposited for the benefit of the substitution aforesaid in accordance with the provisions of article 953*a* of the Civil Code, and the said purchasers shall be discharged from following the amount of the purchase price, once for all, from the moment it has been invested by the said institute and curator in accordance with paragraphs 3 and 4 of the said article 953*a*, or deposited with the Prothonotary in accordance with paragraph 5 of the same article.

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

C H A P. 141

An Act to prescribe a special manner of service upon certain creditors having a privilege and hypothec on the immoveables No. 226 of the official plan and book of reference of the Parish of Boucherville, and Nos. 6 and 7 of the official plan and book of reference of the parish of St. Hubert.

[Assented to 19th February, 1914]

WHEREAS Alfred Tremblay, farmer, Poméla Tremblay, spinster, both of the parish of Saint Hubert, in the district of Montreal; Arthur Roy, merchant, of the town of Longueuil, in the said district, in his capacity of tutor to Dalila Angéline Roy, minor daughter, issue of his marriage with the late Mrs. Angéline Tremblay; Maria Tremblay, wife of Raoul Jodoin, farmer, of the parish of Boucherville, in the said district, and the said Raoul Jodoin, both personally and in his capacity of subrogate tutor to the said minor Dalila Angéline Roy, have, by their petition, represented;

That, by deed passed in the village of Boucherville on the 14th September, 1857, before Boucher de la Broquerie and L. Normandin, notaries, François Xavier Céré, farmer, of the parish of Boucherville, acknowledged that he was indebted to Dame Josephite Lerendac, of the parish of Lachenaie, widow of Henry Munro, physician, in the amount of fifty pounds, as a loan, which he promised to repay in two years, with interest at the rate of six per cent per

annum, and, to secure the payment of the said sum and interest, he specially hypothecated a lot of land described in the said deed, and bearing the No. 226 of the official plan and book of reference of the parish of Boucherville;

That, by deed passed at Boucherville aforesaid on the 25th of October, 1864, before Boucher de la Broquerie and L. Normandin, notaries, the said François Xavier Céré acknowledged that he was indebted to Miss Hélène Munro, spinster, of the parish of Lachénaie in the amount of three hundred dollars, as a loan, which he promised to repay on demand at the expiration of one year, with interest at the rate of six per cent per annum, and, to secure the payment of the said sum and interest, he specially hypothecated the said lot of land bearing the number 226 of the official plan and book of reference of the parish of Boucherville;

That, by deed of sale before N. Mignault, notary, dated the 14th March, 1876, Alexis Tremblay, farmer, of the parish of St. Hubert, the *auteur* of the petitioners, purchased from Charles Céré and Thomas Céré the immoveable above described, and always had the enjoyment and possession thereof until his death;

That, by deed of sale before H. Mignault, notary, dated the 22nd May, 1871, François Ste. Marie, farmer, of the parish of St. Hubert, and his wife Dame Anastasie Vinet *dite* Souigny, sold to the said Alexis Tremblay a lot of land bearing the No. 7 of the official plan and book of reference of the parish of St. Hubert for the sum of twenty thousand livres, old currency, six thousand livres whereof were paid in cash, and, as to the balance of the said price of sale, the said purchaser promised to pay the same for the benefit of the vendors to Joseph Goguet, notary, of Longueuil, the sum of twelve thousand livres, being the amount of an obligation due him by Moïse Vincent, senior, with interest at the rate of six per cent per annum, and to the vendors, two thousand livres, one year from the date thereof, with legal interest, and to secure the payment of the said balance of the said price of sale, it was stipulated that the said immoveable shall remain hypothecated by privilege of *bailleur de fonds*;

That, by deed of sale passed at Longueuil on the 28th August 1871, before Napoléon Mignault, notary, Camille Provost, joiner, of Longueuil, and his wife Agnès Mercille; Marie Archange Daigneault, wife of Antoine Bisson, farmer, of the parish of St. Isidore; Henri Mercille, farmer, of the parish of St. Hubert; Richard Mercille, farmer, of the same place; Henri Daigneault, farmer, of the parish of Longueuil; Apoline Daigneault, wife of Charles Dubuc, farmer, of the parish of St. Urbain Premier; Angélique Daigneault,

wife of Alexis Dubuc, blacksmith, of Longueuil; Emilie Daigneault, wife of Pierre Benoit, farmer, of Longueuil; Joseph Daigneault, farmer, of Longueuil aforesaid; Hortense Daigneault, wife of Narcisse Brien *dit* Durocher, farmer, of Boucherville; Philomène Daigneault, wife of Azarie Robert, farmer, of Boucherville aforesaid; Catherine Daigneault, widow of Louis Cicot, of Boucherville; Tous-saint Daigneault, junior, farmer, of Boucherville; Vital Mercille, farmer, of Longueuil; Appoline Mercille, wife of Benjamin Brassard, farmer, of St. Hubert; Antoine Mercille, joiner, of Longueuil; Edesse Daigneault, wife of François Gravelle, farmer, of Laprairie; Jacques Mercille, farmer, of St. Hubert; Benjamin Parent, carter, of Montreal, and his wife Sophie Vandal; Solomé Vandal, wife of Antoine Savignac, of St. Louis, in the state of Missouri, one of the United States of America; Pierre Célestin Ste. Marie, Toussaint Ste. Marie, Chrysologue Ste. Marie, traders, of Montreal; Sophie Ste. Marie, wife of Joseph Lucas, of Watertown, in the state of Massachusetts, one of the United States of America, and Céline Eliza Mongeau, wife of Joseph L. Lafontaine, notary, of Roxton Falls, acting herein, some personally and others by attorney, sold to Alexis Tremblay, farmer, of St. Hubert, an immoveable whereof they were owners in the proportion of one twenty-fifth as regards each of the aforesaid persons, with the exception of the said Benjamin Parent, and his wife Sophie Vandal who had one twenty-fifth only between them, as well as Camille Provost and his wife, Agnès Mercille, who are in the same position, the said immoveable being No. 6 of the said official plan and book of reference of the parish of St. Hubert, for and in consideration of the sum of twenty-five thousand three hundred livres, old currency, whereof twelve thousand six hundred and fifty livres were paid in cash, the balance of the said price of sale being payable to the vendors on the first of November, 1871, with legal interest. And, as security for the payment of the said balance of the said price of sale, to wit: twelve thousand six hundred and fifty livres and the fees of Napoléon Mignault, notary, of Longueuil, amounting to three hundred and seventy-five livres, in addition to the costs of the criers, of the said contract and of its registration, the said immoveable was hypothecated by privilege of *baillieur de fonds* specially reserved;

That the petitioners are the institutes, and assigns of the institutes, in the substitution created by the will and codicil of the late Alexis Tremblay and Dame Anathalie Sénécal, of St. Hubert aforesaid, by whom the immoveables above described were purchased and subsequently bequeathed;

That the privileges and hypothecs aforesaid upon the said immoveables, cause the petitioners serious damage, and that they wish to proceed before the courts to have the said privileges and hypothecary debts declared extinct and prescribed and to have the same cancelled;

That several of the said creditors cannot be found or are absent, and a great many are dead, and it is impossible for the petitioners to find their heirs;

That, under the circumstances, it is expedient to authorize the petitioners to summon before the courts, such of the said creditors as cannot be found and the heirs of, those who are deceased, collectively, without giving the names or residences of such parties, by serving the action in accordance with the provisions, *mutatis mutandis*, of article 136 of the Code of Civil Procedure;

Whereas the petitioners have prayed for the passing of an act to that effect, and it is expedient to grant the prayer contained in the said petition;

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

Special manner of summoning certain creditors.

1. In every action for the purpose of having the said privileges and hypothecary debts declared extinct, paid or prescribed, and having the registration of the same cancelled, such of the creditors mentioned in the said deeds constituting the privileges and hypothecs who may be absent or cannot be found at their last known residence, according to a bailiff's return or the affidavit of a person worthy of belief, may be summoned through the newspapers by an order of the judge in accordance with the provisions, *mutatis mutandis*, of article 136 of the Code of Civil Procedure.

Special mode of service upon heirs of creditors.

2. The service of the action upon the heirs of such of the said creditors as may be deceased, may be made upon them collectively, without giving their names and residences, and in accordance with the provisions, *mutatis mutandis*, of the said article 136 of the Code of Civil Procedure.

Proof of death.

In such case, proof of death may be made, in the discretion of the judge, by affidavit based upon common report, without producing certificates of birth, declarations of death or wills.

Coming into force.

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