

authentic, &c. shall be authentic, and shall have, to all intents and purposes, the same force and effect as if they had been made at the time and in the form required by law.

Certain evidence not affected. **7.** Nothing in this act shall prevent the proof, according to law, of any baptism, marriage or burial, which has taken place during the period mentioned in section 1 of this act and which could not be proved and entered in virtue of this act.

Coming into force. **8.** This act shall come into force on the day of its sanction.

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## CHAP. 39

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

[Assented to 4th June, 1910]

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

C. C., new chapter and articles added. **1.** The following chapter and articles are inserted in the Civil Code, after chapter ninth of title fifth of book third :

### “CHAPTER NINTH<sub>a</sub>

#### BULK SALES

“Bulk sale” defined. **“1569<sub>a</sub>.** The words “bulk sale” within the meaning of this chapter, include and mean any sale or transfer of a stock in trade or of merchandise, including transfers of license certificates for the sale of intoxicating liquor, made, directly or indirectly, outside the ordinary course of the seller’s business, whether the sale or transfer comprises the whole or nearly the whole of such stock in trade or merchandise or whether it relates only to an interest in the affairs or business of the seller.

Certain affidavit required in certain case. **“1569<sub>b</sub>.** Any person who, directly or indirectly, buys in bulk a stock in trade or merchandise, including the transfer of a license certificate for the sale of intoxicating liquor, shall, before paying the purchase price, wholly or in part, and whether in cash or on time, obtain from the seller or 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 containing the names and addresses of 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.

The affidavit mentioned in this article shall, so far as possible, be in the form of the schedule annexed to this chapter, and the seller, or, if the seller is a company or a partnership, the president, the secretary or the manager thereof, shall be bound to make the same. Form of affidavit.

“ **1569c.** Every sale made in contravention of article 1569b, if the buyer has not paid the price of the effects or merchandise to the *bona fide* creditors of the seller, mentioned in the affidavit referred to in the said article shall, as regards every such creditor, be null and of no effect, until such creditor is paid or settled with. Certain sales void as to certain persons.

The sale, shall nevertheless be valid if the buyer, after having paid his seller, pays the amount of the purchase price to the *bona fide* creditors of his seller ; and, in such case, he may recover from the seller the amount so paid. Exception.

“ **1569d.** The buyer, after having received the affidavit hereinabove mentioned, shall pay to the creditors therein mentioned, out of the purchase price, rateably and in accordance with the contracts between them and the seller, the sums which are due them for such effects or merchandise. Payment to creditors of certain price of sale.

If one or more of such creditors is or are absent from the Province, or in case of contestation between them with respect to their claims, the buyer may, after having, in the latter case, given eight clear days' notice to the interested parties, deposit the price of such effects or merchandise in the hands of the Provincial Treasurer, in conformity with articles 1484 to 1486 of the Revised Statutes, 1909. Payment in case of absence, &c.

The Provincial Treasurer shall in such case pay the amount deposited or part thereof to any creditor or creditors who deposit with him an authentic copy or copies of a final judgment or judgments from which there is no appeal authorising him or them to receive such money. Payment of creditors by Provincial Treasurer.

When he returns the deposit or any part thereof, the Provincial Treasurer shall retain and remit to the consolidated revenue fund of the Province a commission of one per cent upon the moneys so deposited and returned. Commission to be deducted.

“ **1569e.** This chapter does not apply : Application of chapter.  
 a. To sellers whose creditors have renounced the right to take advantage thereof ;

b. To the executors, administrators, liquidators, curators for the benefit of creditors, or other public officers acting under the authority of the courts.

But the same shall apply to persons who are commonly known to buy and sell effects or merchandise which are usually dealt with in commercial transactions, to commission merchants and to manufacturers.”

**Coming into force.** 2. This act shall come into force on the 1st day of January, 1911.

SCHEDULE

(Article 1569b.)

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, are the names and addresses of all my creditors (or of all the creditors of the company or firm) who have supplied me (or it) with the effects or merchandise or any part thereof which I have sold or agreed to sell (or which the company or firm has sold or agreed to sell) and that the amounts opposite their names are the amounts, which are due to them or which are still to become due.

Names and surnames.	Addresses.	Amounts due.	Amounts to become due.

That I have not (or that the company or firm has not) any

other creditors than those hereinbefore mentioned, so far as the said effects or merchandise or any part thereof, are concerned.

Sworn before me }  
at }  
this day of }  
19 }

CHAP. 40

An Act to amend the Civil Code, respecting contracts made with public utility companies.

[Assented to 4th June, 1910]

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

1. The following articles are added after article 1682b of the Civil Code as enacted by the act 5 Edward VII, chapter 28, section 1: Art. 1682b, 1682c C. C., enacted.

“ 1682c. The following shall be printed in French and in English : passenger tickets, baggage-checks, way-bills, bills of lading, printed telegraph forms, and contract forms, made, furnished or delivered by a railway, navigation, telegraph, telephone transportation, express or electric power company, as well as all notices or regulations posted up in its stations, carriages, boats, offices, factories or workshops. Passenger tickets, &c. to be printed in English and French.

“ 1682d. Every contravention, by a railway, navigation, telegraph, telephone, transportation, express or electric power company, doing business in this Province, of any of the provisions of the foregoing article shall be punished by a fine not exceeding twenty dollars, without prejudice to recourse for damages.” Penalty.

2. This act shall come into force on the first day of January, 1911. Coming into force.