

C H A P. 40

An Act to amend article 1149 of the Civil Code respecting judgments in suits for usurious interest

[*Assented to 9th March, 1906*]

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

C. C., 1149,
amended.

1. Article 1149 of the Civil Code is amended by adding thereto the following clause:

If debt is made up of usurious interest, power of court in rendering judgment.

“However, if the debt is made up of interest exceeding the legal rate, and seems to the court to be usurious, or if it includes such interest, whether such interest is called interest or be claimed under the name of discount, reduction in the advance, commission or otherwise, such court may order that such usurious interest, or such portion of usurious interest, be paid by instalments, and fix the amount of such instalments and their term of payment, at its discretion, according to circumstances.”

C H A P. 41

An Act to amend article 2036 of the Civil Code

[*Assented to 9th March, 1906*]

Preamble.

WHEREAS doubts have arisen whether the judicial hypothec resulting from judgments rendered or judicial acts performed since the first of September, one thousand eight hundred and sixty, affect the immoveables acquired by the debtor after the date of the judgment or the judicial act, and 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:

C. C. 2036,
replaced.

1. Article 2036 of the Civil Code is replaced by the following:

Exercise of rights under judicial hypothecs.

“**2036.** Judicial hypothecs acquired between the thirty-first day of December, one thousand eight hundred and forty-one, and the first day of September, one thousand eight hundred and sixty, affect only such property as the debtor possessed at the time when the judgment was rendered or the judicial act performed.