

CHAP. 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 in-
terest, 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.”

CHAP. 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 hy-
pothecs.

“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.

Since the first day of September, one thousand eight hundred and sixty, and for the future, judicial hypothec may be exercised against all the immoveables possessed by the debtor and those which he may acquire."

2. This act shall not affect pending cases.

Pending cases.

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

Coming into force.

PROPRIÉTÉ DE
L'ASSEMBLÉE LÉGISLATIVE
CHAP. 42 QUÉBEC.

An Act to amend articles 61, 639, 717, 1029, 1041, 1048, 1069 and 1352 of the Code of Civil Procedure

[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:

1. Article 61 of the Code of Civil Procedure, as amended by C. C. P., 61, the acts 3 Edward VII, chapters 51 and 52, is further amended ^{amended.} by striking out the words: "in the county of Lake St. John," in the third and fourth lines of paragraph 1 thereof.

2. The first paragraph of article 639 of the said Code is re- ^{Id., 639, § 1,} placed by the following: ^{replaced.}

" **639.** The sale of moveable property under seizure is advertised, in the Island of Montreal, by a notice stating summarily the names of the parties, the nature of the effects, and the place, day and hour of sale, inserted in French in a newspaper published in that language in the city of Montreal, and in English in a newspaper published in the English language in the city of Montreal; and in any of the cities of Quebec, Three Rivers, Sherbrooke, St. Hyacinthe or Sorel or in the town of St. John's, the notice is inserted in French in a newspaper published in that language therein and in English in a newspaper published in the English language therein; and if there should be but one paper in the place, or if all the papers are published in but one of such languages, then the notice must be inserted in both languages in one paper." <sup>Advertise-
ment of sales
of moveable
property
under seizure
how pub-
lished.</sup>

3. Paragraph 1 of article 717 of the said Code is replaced by ^{Id., 717, § 1,} the following: ^{replaced.}

" 1. When seizures are made in the Island of Montreal, in the cities of Quebec, Three Rivers, Sherbrooke, St. Hyacinthe or <sup>Publication
of certain</sup>