

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 replaced by the following: Id., 639, § 1, 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." Advertisement of sales of moveable property under seizure how published.

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

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

notices of sales, &c., in cases of seizure of immoveables.

Sorel, or in the town of St. John's, to publish, at the latest fifteen days before the sale, a notice briefly detailing the particulars of the sale in a newspaper published, if it concerns a sale in the Island of Montreal, in French in a newspaper published in that language in the city of Montreal and in English published in that language in the city of Montreal, and if it concerns a sale in any of the cities of Quebec, Three Rivers, Sherbrooke, St. Hyacinthe or Sorel, or in the town of St. John's, to publish the notice in a newspaper published in French and in one published in English in the locality, and if, there is only one newspaper in the locality or all are published in the same language, to publish the notice in both languages in the same newspaper, and to post a copy of the notice in his office after the publication."

Id., 1029, amended.

4. Article 1029 of the said Code is amended by replacing the second clause thereof by the following:

Publication at church door of petition to sell hypothecated immoveables.

"Except in the Island of Montreal, and in the cities of Quebec, Three Rivers, Sherbrooke, St. Hyacinthe and Sorel, and in the town of St. John's, it must moreover be read and posted in both languages, at the door of the church of the parish in which the immoveable is situated, on a Sunday immediately after morning service; if there is no such service, it is sufficient to merely post the notice.

Id., 1041, replaced.

5. Article 1041 of the said Code is replaced by the following:

Experts and their appointment in matters of licitation.

"**1041.** The experts are three in number, and are agreed upon by the parties; nevertheless if the parties consent or if the judge thinks proper by reason of the nature or situation of the property to be divided, only one need be named."

Id., 1048, § 2, replaced.

6. Article 1048 of the said Code is amended by replacing paragraph 2 thereof by the following:

Publication of notices in matters of licitation.

"2. Moreover, if the immoveables are situated in the Island of Montreal, by being inserted in French in a newspaper published in that language in the city of Montreal, and in English in a newspaper published in that language in the city of Montreal; if the immoveables are situated in the city of Quebec, Three Rivers, Sherbrooke, St. Hyacinthe or Sorel, or in the town of St. John's, by being inserted in a newspaper published in French and in one published in English in the locality, and, if there is only one newspaper in the locality or all are published in the same language, in both languages in the same newspaper; and, if the immoveables are situated in a parish other than those contained in the above-mentioned localities, by being read aloud and posted on the third Sunday before the day on which the licitation is to

take place, at the door of the church of the parish in which the immoveables are situated, immediately after morning service, or, if there is no church, at the most public place in the locality. If there is no service it is sufficient to merely post the notice."

7. Article 1069 of the said Code is amended by replacing all the words preceding the word: "newspaper," in the seventh and eighth lines of paragraph 2 by the following: Id., 1069, amended.

"2. Moreover, if the immoveable is situated in the Island of Montreal, by being inserted in French in a newspaper published in that language in the city of Montreal, and in English in a newspaper published in that language in the city of Montreal; if the immoveable is situated in the city of Quebec, Three Rivers, Sherbrooke, St. Hyacinthe or Sorel, or in the town of St. John's, by being inserted in a newspaper published in French, and in one published in English, in the locality, and, if there is only one newspaper in the locality or all are published in the same language, in both languages, in the same". Publication of notices in matters of confirmation of title.

8. Paragraph 1 of article 1352 of the said Code is replaced by the following: Id., 1352, §1, replaced.

"1. When the immoveables are situated in the Island of Montreal, by inserting such notice in French at the latest fifteen days before the sale in a newspaper published in that language in the city of Montreal, and in English in a newspaper published in that language in the city of Montreal; and, when the immoveables are situated in the city of Quebec, Three Rivers, Sherbrooke, St. Hyacinthe or Sorel or in the town of St. John's, by inserting such notice, at the latest fifteen days before the sale, in a newspaper published in French, and in one published in English, in the locality; and, if there is only one newspaper in the locality or both are published in the same language, by inserting it in both languages in the same newspaper; or" Publication of notices in cases of sales of property of minors.