

C H A P. 3 0

An Act to amend the Civil Code and the Code of Civil Procedure respecting registry offices

[Assented to 20th May, 1905]

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

1. Article 2161*d* of the Civil Code, as enacted by article 5843 of the Revised Statutes, is amended by adding thereto the following paragraphs : C. C., 2161*d*, amended.

" 2. A copy of the notice for the sale of immoveables judicially ordered in suits for partition must in like manner be given by the party publishing the notice, and a similar entry made thereof by the registrar in the index to immoveables by writing the words : " in licitation, No. . " Notice to registrar in suits for partition.
His duty thereon.

" 3. A copy of the notice of application for confirmation of title must in like manner be given by the applicant, and a similar entry thereof made by the registrar in the index to immoveables by writing the words : " confirmation of title applied for, No. . " Notice in suits for confirmation of title and duty of registrar thereon.

2. Article 2161*e* of the Civil Code, as enacted by article 5843 of the Revised Statutes, is amended : C. C., 2161*e*, amended.

(a) By adding after the words : " under seizure," in the fifth line, the words : " or to be sold by licitation, as the case may be ; " Notice to creditors in cases of licitation.

(b) By adding thereto the following paragraph :

" In cases of application for confirmation of title, the notice must inform the creditor that application for confirmation of title has been made and of the place where and the time when the application will be presented to the court." Notice to creditors in cases of confirmation of title.

3. Article 2161*f* of the Civil Code, as enacted by article 5843 of the Revised Statutes, is replaced by the following : C. C., 2161*f*, replaced.

" **2161*f*.** The registrar must, until the notices mentioned in article 2161*d* are cancelled, mention them in all certificates demanded of him either against the immoveable described in such notices, or against the person upon whom the immoveable was seized, or the co-proprietors in the case of licitation, or the vendor or assignor of the applicant for confirmation of title, as the case may be." Duty of registrar until cancellation of notices.

C. C., 2161*g*, amended. **4.** Article 2161*g* of the Civil Code, as enacted by article 5843 of the Revised Statutes, is amended by adding thereto the following :

How notice cancelled in; certain cases. “ And, similarly, the notice of sale by licitation will be cancelled by the registration of the prothonotary’s deed of sale, and the notice of application for confirmation of title by the registration of the judgment confirming the title deed.”

C. C., 2161*h*, replaced. **5.** Article 2161*h* of the Civil Code, as enacted by article 5843 of the Revised Statutes, is replaced by the following :

If seizure released or proceedings in licitation or confirmation of title abandoned. “ **2161*h*.** When the seizure is released or the proceedings in licitation or for confirmation of title are abandoned, the notices mentioned in article 2161*d* are respectively cancelled by the deposit in the registry office of a certificate establishing such release or abandonment given by the prothonotary, and by the noting of the release or abandonment in the index to immoveables or in the margin of the last entry in the books after the noting of the seizure, licitation or application for confirmation of title.”

C. C., 2161*i*, amended. **6.** Article 2161*i* of the Civil Code, as enacted by article 5843 of the Revised Statutes, is amended by adding thereto the following words : “ and the notice must be immediately sent by the registrar by registered letter to each hypothecary creditor whose name is entered in the register of addresses, informing him of the said sale.”

C. C., 2161*l*, amended. **7.** Article 2161*l* of the Civil Code, as enacted by article 5843 of the Revised Statutes, is amended by adding, after the word : “ officer ” in the fourth line, the words : “ or other person.”

Art. added to C. C., P. after 1049. **8.** The following article is inserted in the Code of Civil Procedure after article 1049 :

Notice to be sent to registrar in cases of licitation and his duty thereupon. “ **1049*a*.** As soon as the notice prescribed by Article 1047 has been published, the party publishing such notice must send a printed copy thereof in a registered letter to the registrar of the registration division in which the immoveable affected by the order in licitation is situated : and the registrar must give notice thereof to the parties interested in the manner prescribed by the Civil Code.

Effect of not giving notice. The omission to give such notice does not invalidate the proceedings, but the person in default is responsible for all damages which may result therefrom.”

9. The following article is inserted in the Code of Civil Procedure after article 1069 :

Art. added to
C. C. P.,
after 1069.

“ **1069a.** As soon as the notice prescribed by Article 1069 has been published, the applicant for confirmation of title must send a printed copy thereof in a registered letter to the registrar of the registration division in which the immoveable affected by the proceedings in confirmation of title is situated, and the registrar must give notice thereof to the parties interested in the manner prescribed by the Civil Code.

Notice to be
sent to regis-
trar in cases
of confirma-
tion of title
and his duty
thereupon.

The omission to give such notice does not invalidate the proceedings, but the person in default is responsible for all damages which may result therefrom.”

Effect of not
giving notice.

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

Coming into
force.

CHAP. 31

An Act to amend the law respecting conciliation

[Assented to 20th May, 1905]

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

1. The act 62 Victoria, chapter 54, section 1, is amended by inserting at the beginning thereof the following words : “ In places where there is no commissioners’ court for the summary trial of small causes, and ”

62 V., c. 54,
s. 1, amended.

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

Coming into
force.