

C H A P. 48

An Act respecting the liquidation of non-commercial companies and corporations

[Assented to 25th April, 1903]

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 inserted in the Civil Code, after article 373*a*, as enacted by article 5799 of the Revised Statutes : Arts added to C. C., after 373*a*.

“ 373*b*. Non-commercial joint stock corporations or companies, which have ceased payment, may be placed in liquidation on the application of any unsecured creditor for a sum of at least two hundred dollars ; provided that demand of payment has been made thirty days before the service of the notice mentioned in the following article. Certain non-commercial corporations, &c., may be placed in liquidation upon application.

“ 373*c*. The application is made by petition presented to the judge of the district in which the company has its head office, after a notice of three days to the company, praying that the company be placed in liquidation and for the appointment of a provisional guardian. How application is made.

“ 373*d*. If the application is not immediately contested in the manner provided for abandonment of property, the judge shall order the liquidation of the company and the appointment of a provisional guardian. If not contested. Appointment of provisional guardian.

“ 373*e*. The provisional guardian shall take possession of all the property of the company, as well as its books, credits and assests, and shall give the notices to the creditors and shareholders ordered by the judge, calling upon them to appoint a liquidator, with the same formalities as those respecting the appointment of a curator to an abandonment of property, the notice to be given collectively to all the shareholders and creditors and not individually. Powers of provisional guardian. Notice calling creditors to appoint liquidator.

“ 373*f*. The liquidator, after his appointment, shall have the management and shall dispose of the property of the company in the same manner as a curator to the property of an insolvent and with the same powers. Powers of liquidator.

“ 373*g*. The judge may, at his discretion, appoint one or more inspectors, from among the creditors of the company. Appointment of inspector.

Books, &c.,
to be delivered
to liquidator.

Penalty upon
refusal to deliver.

“ **373h.** The president, secretary, treasurer or agent of the company, or any person having the custody thereof, shall be bound, upon an order of the judge, to deliver up, to the liquidator or to the provisional guardian, all such books and documents belonging to the company which the judge shall deem requisite to the liquidation, under penalty of being guilty of contempt of court.

Law to apply
to liquidation.
Actions for
and against
corporation.

“ **373i.** All the provisions of the Code of Civil Procedure respecting abandonment of property, not inconsistent with articles 373b to 373h, shall apply to such liquidation. The liquidator shall be vested with all the rights of action of the insolvent company and he shall also be made a party to all actions and proceedings taken against the company.

This act to
apply to certain
liquidations.

“ **373j.** The provisions of articles 373b to 373i shall apply to the cases of liquidation under article 373a.”

CHAP. 49

An Act to amend article 2178 of the Civil Code

[Assented to 25th April, 1903]

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

C. C., 2178,
amended.

I. Article 2178 of the Civil Code is amended by adding thereto the following clause :

To furnish
copies or extracts.

“ He shall also give to those applying for the same, a copy of, or extract from any document remaining deposited in his office and of any register or index which is kept there.”
