

CAP. XLIV

An Act to amend the Civil Code with respect to substitutions

[Assented to 15th January, 1898]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The following article is inserted in the Civil Code, after article 953 :

Art. added to Civil Code after 953.

“**953a.** The substituted property may likewise be definitively alienated during the substitution, on the following conditions :

Alienation of substituted property.

1. Such alienation must be to the advantage of the institute and of the substitute.

Must be to advantage of parties.

2. The institute and curator must be authorized by the court, by observing the formalities prescribed in articles 1341 to 1361, inclusively, of the Code of Civil Procedure.

Authorization required.

3. The purchase price must be employed in accordance with the judge's order, either in paying the debts of the substitution or upon immoveable property in this Province, or on first privilege or first hypothec upon immoveable property in this Province, valued at not more than three-fifths of the municipal valuation, which valuation must be confirmed by an expert.

Application of purchase price.

4. If the purchase price be employed at the same time as the sale of the substituted immoveable, the purchaser of the property is bound to see to its employment, and he shall pay the purchase price, as the case may be, into the hands of the vendor of the immoveable purchased to acquit the purchase price of the latter or into the hands of the borrower, and this employment and the judge's order must be mentioned in the acquittance of the purchase price of the substituted immoveable, in order to render the said acquittance valid.

Duty of purchaser in certain event.

5. If the employment of the purchase price be not made at the time, the said purchase price shall be deposited by the purchaser, as a judicial deposit, in the hands of the prothonotary of the Superior Court of the district where the immoveable sold is situated, and the prothonotary shall hold the deposit subject to the employment thereof under the provisions of this article.

Deposit of purchase price in certain event.

6. The immoveables acquired by the institute or the purchase price invested in mortgage, as the case may be, are subject to the substitution in the same manner as the immoveable sold.

Substitution to affect property purchased, &c.

How capital is reimbursed. 7. The reimbursement of any capital loaned according to the provisions hereof shall be made to the prothonotary of the Superior Court of the district where the substituted property was situated, who shall receive such capital as a judicial deposit and cannot pay it out except on a judge's order authorizing a new investment, unless such new investment has been authorized by the judge before the reimbursement took place.

Acquittance by prothonotary. 8. In the case of judicial deposit, the acquittance given by the prothonotary shall be final and shall authorize the registrar to effect any necessary radiation.

Costs by whom paid. 9. The costs incurred for the sale and investment of the purchase price shall be borne by the institute."

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

C A P. X L V

An Act to amend the Civil Code

[Assented to 15th January, 1898]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

C. C. 1622, amended. 1. Article 1622 of the Civil Code is replaced by the following :

Landlord's privilege for rent. " **1622.** It includes also moveable effects belonging to third persons, and being on the premises by their consent, expressed or implied, for sums which have become due by the lessee prior to the notification given to the lessor of the property rights of third persons or before the knowledge acquired by the lessor of such rights of third persons, but not if such effects be only transiently or accidentally on the premises, as the baggage of a traveler in an inn, or articles sent to a workman to be repaired or to an auctioneer to be sold.

Notification to avail against subsequent acquirer. The notification in due time to the lessor shall avail against a subsequent acquirer of the leased premises."
