

Power of curator to sell immovables, &c., upon certain conditions.

“ 1335. He may sell the immoveables and shares or stock in manufacturing or financial associations, by following the formalities established by law for voluntary licitations, upon the advice of the parties interested present at a meeting convened for that purpose in the manner prescribed by the judge.

Proviso as to immovables.

Such sale as respects immoveables cannot be had except with the consent of the hypothecary creditors.”

C A P . X X I .

An Act to amend article 494 of the Code of Civil Procedure of Lower Canada.

[Assented to 9th May, 1885.]

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

C. C. P. art. 494, amended.

1. The following paragraph is added to article 494 of the Code of Civil Procedure of Lower Canada, as replaced by the act 34 Victoria, chapter 4.

Reviews from judgments concerning municipal corporations.

“ 4. From all judgments in matters concerning municipal corporations and municipal offices, on proceedings taken in virtue of chapter ten of title second of book second of the second part of this code.”

C. C. P. art. 497, replaced.

2. Article 497 of the said Code is repealed and replaced by the following :

Deposit with inscription in review.

“ 497. This review cannot be obtained, until the party demanding it has deposited, in the office of the prothonotary of the Court which rendered the judgment, and within eight days from the date of such judgment, a sum of twenty dollars, if the amount of the suit does not exceed four hundred dollars, or of forty dollars if the amount of the suit exceed four hundred dollars, if the review is taken in virtue of paragraph 4 of article 494, or if it be a real action; together with an additional sum of three dollars for making up and transmitting the record, when the judgment has been rendered elsewhere than in the cities of Quebec and Montreal.

The amount thus deposited is intended to pay the costs of the review incurred by the opposite party, if the court should grant them, if not, it is returned to the party by whom it was deposited.”

Id. Art 500, added.

3. The following article is added after article 500 of the said Code.

"500a. Cases instituted in virtue of paragraph 4 of article 494 have precedence over all other cases." Precedence of certain cases.

4. The act 45 Victoria, chapter 33 is repealed. 45 V., c. 33, repealed.

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

C A P . X X I I .

An Act to amend the Code of Civil Procedure, in so far as it concerns abandonment of property.

[Assented to 9th May, 1885.]

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

ABANDONMENT AND ASSIGNMENT OF PROPERTY.

1. Article 763 of the Code of Civil Procedure is repealed and replaced by the following : C. C. P. art. 763, replaced.

"763. Any debtor, arrested under a writ of *capias ad respondendum*, and every trader who has ceased his payments, may make a judicial abandonment of his property for the benefit of his creditors. Abandonment of property by certain debtors.

In the absence of *capias* no abandonment can be made, if the debtor has not been so required as hereinafter provided. Demand required if no *capias* has been issued.

763a. Every trader who has ceased his payments may be required to make such abandonment by a creditor whose claim is unsecured for a sum of two hundred dollars and upwards." Traders may be required to make abandonment.

2. Article 764 of the said Code is amended by striking out the words "in the prothonotary's office," and by adding at the end of the article the following paragraph : Id. art. 764 amended.

"The abandonment is made in the office of the prothonotary of the Superior Court of the district wherein issued the *capias*, and in the absence of *capias*, of the district of the place where the debtor has his principal place of business, and, in default of such place, of the place of his domicile." Abandonment where made.

3. Article 765 of the said Code is repealed and replaced by the following : Id. art. 765, replaced.

"765. The debtor must give notice of the abandonment, by inserting an advertisement to that effect in the Que- Notice of abandonment.