

CAP. XII.

An Act to amend the act of this Province 43-44 Victoria, chapter 10, respecting Coroners' Inquests.

[Assented to 10th June, 1884.]

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

1. Section 5 of the act 43-44 Victoria, chapter 10, is ^{43 44 V., c. 10, s. 5,} amended by adding thereto the following clause :

" Except however human bodies found upon the beach of, or floating in the river St. Lawrence, opposite the parish of Beaumont and the parish of St. Joseph de Lévis. ^{Bodies found in certain places excepted.}

If such bodies be not claimed as provided for by chapter 30 of the act 46 Victoria, the coroner shall see to their burial, and shall be reimbursed his necessary and reasonable expenses incurred thereby as for costs forming part of those of his office." ^{Burial of such bodies by coroner if not claimed.}

CAP. XIII.

An Act to render valid certain registrations and to amend certain articles of the Civil Code.

[Assented to 10th June, 1884.]

WHEREAS certain notices for the renewal of hypothecs, ^{Preamble,} required by article 2172 of the Civil Code, have been indifferently given under both form Nos. 25 and 26 of the appendix to the Code of Civil Procedure ;

Whereas certain notices and memorials mentioned in articles 2026, 2098, 2106, 2107, 2111, 2115, 2116, 2120, 2121, 2125, 2131, 2133, 2146, 2161, 2168 and 2172 of the Civil Code have been given by notarial deeds *en minute* or *en brevet* or by deeds under private seal ;

Whereas certain of the notices hereinbefore mentioned have been returned to the party giving the same, after their enregistration, instead of remaining deposited with the registrar and in both cases with and without certificates ;

Whereas it is necessary to remove the doubts which exist touching enregistrations so effected ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain registrations declared valid.

1. Are hereby declared valid and sufficient :

1. The renewals of the registration of hypothecs, required by article 2172 of the Civil Code, effected by notice prepared according to either of forms Nos. 25 or 26 of the appendix to the Code of Civil Procedure ;

2. The enregistrements of notices and memorials mentioned in articles 2026, 2098, 2106, 2107, 2111, 2115, 2116, 2120, 2121, 2125, 2131, 2133, 2146, 2161, 2168 and 2172 of the Civil Code and given by notarial deed either *en minute* or *en brevet* ;

3. The enregistrements of the notices above mentioned, whether notarial or under private seal, although such notices have been returned to the parties giving the same, instead of remaining deposited with the registrar, and in either case whether the certificate of registration has or has not been thereon entered ;

4. The renewals of the enregistration of several titles of claims against several persons or against several immovables made by one notice, provided the entries have been regularly made in the index to immovables.

C. C., article 2137 amended.

2. Article 2137 of the Civil Code is amended by adding at the end of the first paragraph the following words :

Memorial, how to be made.

“ The memorial may also be made in duplicate and acknowledged according to article 2144a.”

Article added after 2138 of C. C.

One memorial suffices in certain cases.

3. The following article is inserted after article 2138 of the Civil Code :

“ 2138a. One memorial is sufficient, in the case of several obligations or titles or claims from the same debtor, upon one or more immovables in favor of the same creditor or acquirer. The same applies to several successive titles and transfers of the same property.”

Article added after 2144 of C. C.

Memorial, how acknowledged.

4. The following article is inserted after article 2144 of the Civil Code :

“ 2144a. The memorial executed in duplicate may be acknowledged before a notary or in presence of two witnesses, but need not be proved under oath, if executed in the province of Quebec and accompanied by the title of which it is a memorial.”

Article added after 2145 of C. C.

Certificate, how given.

5. The following article is inserted after article 2145 of the Civil Code :

“ 2145a. In the case of the registration of a memorial in duplicate executed before a notary or two witnesses, one remains in the office ; the certificate, if required, is written at the end of the other, and returned to the party giving it, without its being necessary to mention it on the title or extract.”

6. Article 2147a of the Civil Code, enacted by the act 42-43 Victoria, chapter 16, section 2, is repealed and re-^{Article 2147a replaced.} placed by the following :

" 2147a. The notices, declarations and memorials, men-^{Notices, &c., how to be given.} tioned in articles 2026, 2098, 2106, 2107, 2111, 2115, 2116, 2120, 2121, 2125, 2131, 2132, 2133, 2146, 2161, 2168 and 2172, may be given either under private seal or by notarial deed, *en minute* or *en brevet* ;

Such notices or a duplicate, if executed *en brevet* or under private seal, shall remain with the registrar ;

A certificate of registration is not required upon such notices, but it may be required by the parties interested."

7. The following article is inserted after article 2172 ^{Article added after 2172 of C. C.} of the Civil Code :

" 2172a. If the hypothec have been in part paid, the ^{Renewals for balances due.} renewal may be made for the balance only ;"

8. This act shall not affect pending cases.

Pending cases not affected.

C A P. X I V .

An Act respecting Notifications, Protests and Services.

[Assented to 10th June, 1884.]

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

1. Article 1209 of the Civil Code is repealed and replaced ^{C. C., art. 1209 replaced.} by the following :

" 1209. Notifications, summonses, protests and services, ^{Method of effecting notifications, &c.} by which a reply is required, may be made by one notary, whether the party in whose name they are made has or has not signed the deed.

Such instruments are authentic and make proof of their ^{Value of such instruments.} contents until contradicted or disavowed.

But nothing inserted in any such instrument, as the answer of the party upon whom the same is served, is proof against him, unless it be signed by such party."

2. With the exception of the notifications, summonses, ^{Method of effecting certain other notifications.} protests and services which precede, all other notifications, summonses, protests and services may be made by an ordinary notarial deed signed in the office of the notary or elsewhere ; in such case it is sufficient for the notary to serve a copy of such deed upon the person to be so notified, summoned or protested at his domicile.