

Regulations to which submitted.

**2.** Every such prisoner shall, during such employment, be subject to all the rules, regulations and discipline of the gaol, so far as applicable, and to any regulations made by the lieutenant governor in council, under the first section of the act of Canada, 40 Victoria, chapter 36, section 1.

Supervision in such case.

**3.** No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty.

Certain places considered for that purpose, as part of the gaol.

**4.** Every street, highway or public thoroughfare of any kind, along or across which prisoners may pass in going to or returning from their work, and every place where they may be employed under this act, shall, while so used, be considered as a portion of the gaol for the purposes of this act, so far as the legislative authority of this province extends in this behalf.

Sheriff to keep list, shewing wages of prisoners.

**5.** Every sheriff shall keep or cause to be kept, by the gaoler of each gaol, books of account, shewing the amount of wages earned by the prisoners, in the common gaol, under his control, and each such sheriff shall render an account of the amounts collected, in the same manner as he is required to do, with respect to the other sums of public money in his hands, in accordance with the laws of this province.

Revenues to be paid to Prov. Treasurer.

**6.** These revenues shall be paid in to the credit of the Treasurer, in accordance with the treasury department act, (31 Victoria, chapter 9.)

Sureties of sheriff.

**7.** Nothing in this act contained shall diminish the duration or extent of the responsibility of the sureties of any sheriff, under any law actually in force.

Act in force.

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

## C A P . X X V .

An Act to provide for the better protection of hypothecary creditors and to give greater publicity to the seizure and sale of real estate.

[Assented to 24th July, 1880.]

Preamble.

**W**HEREAS it is desirable to increase, as much as possible, the security of hypothecary creditors and to afford the utmost publicity to transactions which affect

real rights ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Every registrar shall keep a register for the addresses or elections of domicile of hypothecary creditors. Register to be kept by registrar.

**2.** Every hypothecary creditor or every transferee, heir, donee or legatee of an hypothecary creditor, shall give notice to the registrar of the registration division wherein the immoveables hypothecated are situated, of his address or of his elected domicile ; and if he afterwards changes his residence, of his new address. Notice to be given by hypothecary creditor &c.

The registrar shall enter such address or elected domicile in the register of addresses, and shall note the number of the entry of the same in the index to immoveables, in the page or space allotted for the lot or subdivision hypothecated in favor of the person giving the notice. Duty of registrar in respect thereto.

**3.** So soon as the sheriff of any district has made a seizure of real estate, he shall transmit to the registrar of the registration division wherein it is situated, a notice thereof, by sending him, in a registered letter, a printed copy of the notice, prescribed by article 648 of the code of civil procedure ; and the registrar shall, on the receipt of such notice, deposit the same of record in his office, and make an entry in his index to estates or in the margin opposite the last entry in his books, in either case, for each lot or piece of land mentioned in such notice, by writing the words : " under seizure No.—— of deposit." Notice by sheriff of seizure of immovable to registrar. Duty of registrar in this respect.

**4.** On the receipt of such copy, the registrar shall send, by registered letter, to each hypothecary creditor, whose name appears in the register of addresses, as being interested in such real estate, a notice informing him that the same is under seizure by the sheriff, and of the place where and the time when it will be sold. Notice of such seizure to be given by registrar to hypothecary creditor.

**5.** The registrar shall, until the notice of seizure is cancelled, mention it in all certificates demanded of him, either against the real estate described in such notice, or against the judgment debtor, upon whom the real estate was seized. Such notice to be mentioned in every certificate by registrar.

**6.** When the seizure is followed by judicial expropriation, the notice will be cancelled by the registration of the sheriff's deed of sale. Registration of sheriff's deed of sale annuls notice.

**7.** When the seizure is released, the notice will be cancelled by the deposit of record in the registry office of a Registration of notice, can-

celled by deposit of certificate of release from seizure.

certificate establishing such release, given by the prothonotary, and mention of the cancellation must be made in the margin where the notice was entered or in the index for estates, as the case may be.

Costs if seizure is annulled.

8. When a seizure of real estate is annulled and the judgment creditor is condemned to pay the costs thereof, the expenses of the cancellation of the notice of seizure shall be borne by him.

Prothonotary to give certificate of release.

9. The prothonotary is bound to deliver to any person, demanding the same, a certificate of the release from seizure of any real estate that may appear by the record of the cause in which such seizure was made.

Sec-treas. of county council to furnish registrar list of lands advertised for sale. Duty of registrar in such case.

10. The secretary-treasurer of each county council, shall transmit to the registrar, a list of the lands sold for taxes, under the provisions of the municipal code, within eight days after the adjudication thereof; and the registrar shall, on the receipt of such list, deposit the same of record in his office and make an entry in his index to estates, or in the margin, opposite the last entry in his books, for each lot or piece of land so sold, by writing the words "sold for municipal taxes No.—— of deposit."

Mention in all certificate until sale cancelled.

11. The registrar shall, until such municipal sale is cancelled, mention it in all certificates demanded of him affecting any lot or piece of land mentioned in the said list.

How cancellation is effected.

12. The cancellation referred to in the preceding section, is effected by the registration of a municipal deed of sale or by the deposit of a certificate from the secretary-treasurer that the land has been redeemed; and mention of the cancellation must be made as provided in section 7 of this act.

Duty of sheriff if no opposition to seizure and sale.

13. When no opposition has been made to the seizure and sale of immoveables or rents, or if made, has been disallowed, the sheriff shall cause to be published in one issue at least, of some newspaper nearest to the locality where the land or real rights under seizure is located, a notice briefly detailing the particulars of such sale, and this, in addition to the publications and notices already required of him by any existing law.

Proceedings valid, altho' provisions not complied with. Responsibility of sheriff.

14. The omission to comply with any of the provisions of this act will not invalidate any proceeding in any cause or matter in which such omission may occur; but the officer in default will be responsible for all damages which may result therefrom.

**15.** The sheriff, registrar, prothonotary and secretary-treasurer will be entitled to such fees for the performance of the duties imposed by this act, as are hereinafter set forth :

1. To the sheriff, for notice of sale to registrar,—twenty cents ; and, also, ten cents for each piece of land mentioned therein ; which last amount he shall transmit to the registrar, with the notice, to cover the fees of the latter for deposit and entry of the same as well as for the cancellation ;

2. To the sheriff, for notice of sale for publication,—twenty cents.

These fees, together with costs of publication, to be included in his bill of costs and which he may require to be advanced as provided in article 647 of the code of civil procedure ;

3. To the registrar, for each address or change of address,— fifty cents ; which will cover his fees for all proceedings in connection therewith ;

4. To the prothonotary, for certificate of release from seizure,—fifty cents,—of which he shall transmit twenty cents to the registrar, to cover his fees for deposit and entry of the same ;

5. To the secretary-treasurer,— twenty cents for each piece of land, mentioned in the list furnished by him,—one half of which he shall transmit to the registrar with the list, to cover the fees of the latter, for the deposit and entry of the same as well as for the cancellation.

**16.** The acts 41 Vict , chap. 15, and 42-43 Vict , chap. 23, are hereby repealed.

Acts repealed :  
41 V. c. 15,  
and 42-43 V.  
c. 23.

## C A P . X X V I .

An Act to amend the Code of Civil Procedure of Lower Canada and certain acts amending the same.

[Assented to 24th July, 1880.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Article 648 of the Code of Civil Procedure of Lower Canada is amended, by replacing the word : “four,” in the first paragraph of the said article, by the word : “two.”

Art. 648, C. C.  
P., amended.

**2.** Article 929 of the said Code is amended, by replacing the word : “four,” wherever it occurs in the said article, by the word : “two.”

Art. 929, C. C.  
P., amended.