

C A P . X X I I I .

An act to secure the publicity of seizures of real estate.

[Assented to 31st October, 1879.]

WHEREAS the sale of an immoveable, or the constitution of an hypothec upon an immoveable, after its seizure, is without effect when such seizure is followed by judicial expropriation; and whereas it is often difficult to ascertain whether an immoveable is under seizure or not; and whereas the publicity of the seizure of real estate, would increase confidence in transactions for its alienation and in its hypothecation; and whereas it is expedient to provide for such publicity of the seizure of real estate as will guard from surprise and benefit landed credit; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. As 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 situate, a notice thereof; and the registrar shall on receipt of such notice, register and index the same.

Preamble.

Notice by sheriff who has seized the property.

2. 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.

Notice to be mentioned in all certificates.

3. When the seizure is followed by judicial expropriation, the registration of the notice shall be cancelled by the registration of the sheriff's deed of sale, and the registrar shall make mention thereof in the margin of its entry.

Notice cancelled by sheriff's deed.

4. When the seizure is released, the registration of the notice shall be cancelled by the deposit in the registry office, of a certificate establishing such release, given by the prothonotary; and mention of the cancellation must be made in the margin of the registry of the notice.

Notice cancelled if seizure is released.

5. 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 at his charge.

Costs of cancellation of notice.

6. The prothonotary is bound to deliver to any person demanding the same, a certificate of the release from

Certificate of release from seizure.