

1. Every sale of moveables belonging to successions of which one of the coheirs was a minor, made since the coming into force of the code of civil procedure until the coming into force of this act, the second Monday instead of the second Tuesday following the first Sunday on which such sale ought to have been announced, according to articles 1320 and 572 of the code of civil procedure, is declared valid and shall be so considered in law; provided always, that all the other formalities required by law shall have been observed.

Sales declared valid.

2. This act shall not affect pending cases.

Pending cases.

3. The present act shall come into force on the day of its sanction.

Act in force.

## C A P . X .

### An act respecting the proof of Heirship.

[Assented to 9th March, 1878.]

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

1. Whenever, in this province, an *abintestate* succession devolves, having property situate outside of its limits or debts due by persons not residing therein, the heirs, or one or more of them, may apply to the Superior Court, or to one of the judges of the court, in the district in which the deceased had his domicile, or if he had none to the superior court or to one of the judges of the court in the district in which he died, for "letters of verification" of the heirs to whom the succession has devolved.

In what cases application may be made for letters of verification.

2. The application is made by a petition, setting forth the death of the person whose succession has devolved, the fact that he died without leaving a will, and having property situate outside the Province or debts due by persons not residing therein, the persons who are his heirs, their relationship to him and their filiation, and praying for letters of verification which declare what persons have been proved to be the heirs of the deceased and in what proportions.

Petition and its allegations.

3. The petition must be accompanied with an affidavit of the petitioner, or of a competent person, attesting the truth of the facts therein alleged.

Affidavit.

Service of petition and of notice of the presentation thereof.

Publication.

Intermediate delay.

Acts of civil status produced.

Intervention of heirs.

Plea ; answer.

Proof and hearing.

Judgment.

Right to contest letters of verification.

**4.** The petition, with a notice of the time when it will be presented, must be served upon the other known heirs who reside in the Province ; and a summary notice of the intended application and of the time when it will be made, must be inserted, once a week during four consecutive weeks, in one newspaper published in the English language, and in one newspaper published in the French language, in the district.

There must be an interval of at least five days between the day of service of the petition and that fixed for the presentation thereof, with an additional day for each additional five leagues when the distance between the Court House and the place of the service exceeds five leagues ; and the day of such presentation must be at least thirty days from the last insertion of the summary notice.

**5.** The petitioner must produce with the petition the acts of civil status necessary to establish the allegations ; and when any such act of civil status cannot be produced, the petition must be accompanied by an affidavit to justify its absence.

**6.** Any heir or his legal representative may enter an appearance, and may contest either the application or any allegation of the petition.

**7.** The intervenants are bound to plead, within four days from their appearance, and the petitioner must answer within three days from the filing of the pleas, on pain in either case of foreclosure, unless a longer delay be granted by the court or a judge.

**8.** Proof is made and the parties are heard according to the ordinary rules of procedure ; the written proof produced and the depositions or the notes of the evidence must remain of record.

**9.** When the application is justified, the court or judge renders judgment granting "letters of verification," which declare what persons have been proved and found to be the heirs of the deceased and specify in what proportions.

**10.** Letters of verification may be contested by an action to that end before the Superior Court, in the district where they were granted, by any heir of whom mention has been omitted and who was not an intervenant, and they may be either corrected or set aside by the judgment to be rendered in such action.

**11.** The declaration, in an action in contestation of letters of verification, must be accompanied with an affidavit of the plaintiff or of a competent person, denying the correctness of these letters, stating in what their incorrectness consists, and further attesting the truth of the facts alleged in the declaration ; and all the heirs mentioned in the contested letters of verification or their representatives must be impleaded.

Declaration to that effect.  
Affidavit.  
Heirs mentioned to be impleaded.

**12.** The declaration and affidavit must be produced and filed at the time of the issue of the writ ; and notice of the contestation under the signature of the prothonotary, must be published in the same manner as the summary notice of an application for letters of verification.

Fyling of declaration and affidavit.  
Notice.

**13.** When the action in contestation of letters of verification is maintained, the judgment either corrects them, or revokes them.

Judgment.

Corrected letters of verification have the same effect as the original letters ; they may also be contested by any heir who was neither an intervenant nor a party in any previous action in contestation.

Effect of correction.

**14.** Except during the pendency of an action of contestation, authentic copies of " letters of verification," either original or corrected, as the case may be, shall be delivered, under the seal of the court, to all persons requiring the same, for use outside of the Province, in all proceedings or circumstances, where it is required to prove who are the heirs of the deceased or to obtain ancillary or subsidiary letters of administration.

Copies of letters shall be delivered.

## C A P . X I .

An Act respecting the notification for and the attendance at the removal of seals and inventories.

[Assented to 9th March, 1878.]

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

**1.** Whenever any of the persons entitled to be present at the removal of seals or to take part in an inventory, reside outside of the Province, they need not be summoned ; but in such case a judicial procurator is named by a judge of the superior court, on application of the person demanding the removal of seals or the making of an

A judicial procurator may represent absent persons.