

“ 1336. If the dissolution be demanded by the survivor, and some of the children be still minors, his demand must be preceded by an inventory, which he must make according to the form of that required to prevent the continuation of community, and for such purpose the subrogate tutor represents the minors, and stands as an adverse party.’ Art. 1336 C. C. amended.

## C A P . X I V .

An Act relating to the notices and declarations to be given to Registrars.

[Assented to 23rd February, 1875.]

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

1. The notices and declarations mentioned in articles 2098, 2131 and 2172 of the civil code, may be given to registrars for those interested, by any person whomsoever, whether a relative or not. They may also be given by married women, interdicted persons, and the minors themselves. Notices and declarations, by whom given.

## C A P . X V .

An Act to amend and extend article 2175 of the Civil Code, respecting the Cadastre.

[Assented to 23rd February, 1875.]

WHEREAS some doubts have arisen, respecting the legality of certain sub-divisions of lots marked on the official plan and book of reference of a registration division, or of a part of such division, and that it is expedient to remove these doubts; and whereas it is expedient to extend and to modify the provisions of article 2175 of the civil code; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Québec, enacts as follows : Preamble.

1. Any property designated by a single number on the plan and in the book of reference of any registration division, or part of such division, which has been sold in parts, or by lots, before the passing of this act, between the closing of any cadastre and the coming into operation of article 2168 of the civil code, in the said division or part of a division, might have been and may be sub-divided and Cadastration of a lot sub-divided between the preparation and closing of the Cadastre.

cadastrated in the name of the original proprietor, specified in the said book of reference, after such coming into operation ; provided that the formalities prescribed by article 2175 of the civil code were observed ; and the said article 2178 of the civil code, is interpreted in such sense.

**Inscriptions.**

Every division made as above is valid.

The parts sold of the said sub-divided property, shall be known and designated by the numbers on the plan and book of reference, of the sub-division of such property and inscriptions made on these lots shall be good and valid for all purposes whatsoever.

**Cadastral sub-division after sales.**

**2.** In the case where a property before the passing of this act, has been sub-divided and sold by lots, without there previously having been a plan and book of reference prepared according to article 2175 of the civil code, the commissioner of crown lands may, on requisition addressed to him by a majority of the persons interested, permit that a plan and book of reference of the sub-division of such property be made ; provided that the following formalities be observed :

1. A plan shall be made bearing numbers as ordinary sub-divisions, also a book of reference corresponding therewith, which shall be signed and certified as correct by the parties interested, and addressed, with a copy of such plan and book of reference to the commissioner of crown lands, who shall keep the original, and remit such copy certified by him, to the registrar of the registration division ;

2. The registrar shall then prepare his index to immovables, for such property thus cadastrated, in his index book for the sub-divisions ;

3. On certificate of the registrar of the deposit of the plan and book of reference of such division thus made, the lieutenant-governor in council shall issue a proclamation by which he shall order that all the hypothecs particularly affecting any of the lots mentioned in the said plan and book of reference, and not including the hypothecs affecting the whole property thus divided, be renewed within a delay of six months, to be computed from the day fixed in such proclamation, and in default of such renewal being made, any person who has not conformed to the provisions of this section shall lose his rank of priority of hypothec ;

4. The cost of such plan and book of reference shall be borne by the persons interested.

**Effect of this section.**

The provisions of the present section shall only apply to facts anterior to the passing of the present act, and must not be interpreted as permitting for the future the making of plans and books of reference, otherwise than in conformity with the provisions of the said article 2175, and of the present act.

**3.** Notwithstanding article 2175 of the civil code, any property may be sub-divided into town or village lots, or in parts of town and village lots, whatever be their number; and another sub-division of the said property may be substituted for any sub-division deposited with the registrar, or any part of the sub-division to any other part of the sub-division, provided that the plan and book of reference be made and deposited according to article 2175 of the civil code, by the proprietor or other person interested.

Sub-divisions unlimited.

Plan and book of reference may be substituted to another.

The new sub-divisions of the property shall be further subject to the following conditions:

Conditions required.

1. The plan and book of reference of the new sub-division, made by the parties interested as aforesaid, and deposited at the office of the commissioner of crown lands, shall be accompanied by a certificate of the registrar of the registration division, where a sub-division shall have been already made, establishing whether inscriptions have already been made on any of the lots comprised in the sub-division; and if he find no inscriptions on such lots, the said commissioner of crown lands shall annul the plan and book of reference of the former sub-division, and shall transmit the copy, by him certified, of the plan and book of reference of the new sub-division, to the registrar who shall without delay return to the said commissioner of crown lands, the plan and book of reference to which the new ones are substituted;

2. If the certificate of the registrar establishes that there are lots in such sub-division affected by inscriptions, the commissioner of crown lands shall annul the plan and book of reference, only for the part of the property which shall not have been affected by such inscriptions; and he shall transmit a certified copy of the plan and book of reference of the new sub-division to the registrar, who shall, without delay, return to the said commissioner of crown lands, the plan and book of reference, to which the new are substituted; provided always, that no change, nor any alteration in the numbers given to the said lots thus affected be made, which numbers shall be kept on the new plan and book of reference, and shall form part of the new series of numbers;

3. The person requiring such substitution of a sub-division or of part of a sub-division, shall pay to the registrar the ordinary expense of search and the expenses occasioned by the loss of the leaves of the index to immovables, when any there is.

4. Nothing contained in this act shall be interpreted so as to affect cases actually pending.

Pending cases.

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

Coming into force of this act.