

Notice is hereby given you that the debt (or right of action) which (name of the creditor vendor) had against you by virtue of (description of the title on which the debt or the right is founded,) has been sold and conveyed to (name, designation and residence of the creditor purchaser) by virtue of an instrument (executed before notaries or by a private writing) done at _____ the _____ day of _____ in the year _____ in the presence of (witnesses or the name of the notary.)

C A P. V I I .

An Act to limit the application of Articles 298 and 299 of the Civil Code, and of the Fifth Title of the third part of the Code of Civil Procedure.

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS the formalities prescribed for the judicial sale of immovable property belonging to minors, and others incapable of acting for themselves, have been established solely for the protection of the latter; and whereas, in the case of the sale of immovables of small value, the price thereof is frequently absorbed, to the detriment of minors and their creditors, by the observance of the formalities required for the sale of such immovables; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Ar'ts. 298 and 299 of Civil Code and title 5 of part 3 of C. C. P. not to apply to real property not worth over \$400.

1. Articles 298 and 299 of the civil code, and the fifth title of the third part of the code of civil procedure shall not apply to the sale of immovable property, the real value of which does not exceed the sum of four hundred dollars; the sale of such immovables may take place in the manner set forth in the following section.

How such property may be sold.

2. Whenever the real value of the totality of the immovable or immovables, belonging to minors or others incapable of acting for themselves, does not exceed the sum of four hundred dollars, a judge of the superior court may, upon petition presented to him to that effect, by the tutor and subrogate tutor of such minors, or by the curator of such persons as are incapable of acting for themselves, after making summary enquiry as to the value of the said immovables, order the sale thereof by public auction, at the prices, and upon the conditions which he may deem just and reasonable to fix, in the interest of such minors or persons incapable of acting for themselves.

3. The judge shall have power to issue, under his hand, an order to compel the appearance before him, without costs, of any person whom he shall deem qualified to afford him the information necessary to determine the value of the said immovables, and any such person, refusing to comply with such order, shall be guilty of a contempt of court.

Power of judge to obtain information as to value.

4. Notice of the place, day and hour of such sale, shall be given twice in fifteen days, in the *Quebec Official Gazette*, and in two newspapers indicated by the judge, one of which shall be published in the French and the other in the English language, in the district in which the immovables are situated, and, in the event of there being no newspapers published in such district, then such notice shall be given in the newspapers of the nearest district.

What notice of sale shall be given.

5. The judge may, when he shall deem it advisable, dispense the petitioners from the necessity of publishing the notices mentioned in the preceding section, and authorize them to proceed to the sale, by consent, of the said immovables, to any person paying the price fixed by such judge.

Private sales may be authorized.

C A P . V I I I .

An Act to amend certain articles of the Municipal Code of the Province of Quebec.

[Assented to 23rd December, 1871.]

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

1. After article 37 of the municipal code of the Province of Quebec, the following shall be inserted:

Art. 37a added to municipal code.

"37a. The county council may, by resolution, erect into a municipality of part of a township, any territory containing a population of at least three hundred souls, which already forms part of a municipality of a township, of part of a township or of united townships, but is not comprised within the limits of a canonical or civil parish, on petition signed by at least two-thirds of the electors of such territory; provided that there remains in the municipality, from which such territory is detached, a population of at least three hundred souls.

County councils may subdivide certain municipalities.

Proviso.

Such resolution must be preceded by a public notice given for such purpose, and approved and published in the manner prescribed by article 41."

Previous notice to be given.

2. Article 283 of the said code of the Province of Quebec, is amended by striking out the words at the end

Art. 283 of said code amended.

2011/11/16

100

100

100

100

20000