



CHAPTER 68

An Act to amend the Code of Civil Procedure

[Assented to, the 17th of May, 1941]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 29 of the Code of Civil Procedure, as C. C. P., art. amended by the acts 4 Edward VII, chapter 46, section 1; 2 George V, chapter 46, section 1; 4 George V, chapter 67, section 1; 13 George V, chapter 75, section 1, and 21 George V, chapter 108, section 1, is again amended by replacing the words: "county of Saguenay", in the second and third lines of the fourth paragraph thereof, by the words: "counties of Saguenay, Abitibi and Temiscamingue".

2. The said Code is amended by inserting therein, after article 280 thereof, the following article: C. C. P., art. 280a, added.

"**280a.** The period for peremption is computed from the first day on which the party suing could, after the filing of the last useful proceeding, take another useful proceeding." How period of peremption computed.

3. Article 632 of the said Code is amended by adding thereto, at the end thereof, the words: " , with a copy of the writ of execution". C. C. P., art. 632, am.

4. Article 633 of the said Code is amended by adding thereto, at the end thereof, the words: " , with a copy of the writ of execution". Id., art. 633, am.

5. Article 683 of the said Code, as amended by the act 2 Edward VII, chapter 41, section 1, is again Id., art. 683, am.

amended by adding thereto, at the end of the second paragraph thereof, the following words: "Such prothonotary is entitled to demand from the garnishee, if the latter declares that he owes at least such amount, a fee of one dollar which shall be deducted from the sum owing to the judgment debtor."

6. Article 697b of the said Code, as enacted by the act 3 George VI, chapter 96, section 7, is amended by inserting therein, after the word: "declaration", in the fourth line of the fourth paragraph thereof, the words: "in the same suit".

7. Article 707 of the said Code is replaced by the following:

"707. The minutes are made in duplicate, and one duplicate, with a copy of the writ of execution, is served upon the judgment debtor personally or at his domicile, residence or place of business.

If, however, the judgment debtor has no domicile, residence or place of business in the district where the immoveables are situate in whole or in part, the duplicate minutes may be left at the office of the court, with a copy of the writ of execution."

8. Article 1089 of the said Code, as amended by the act 3 George VI, chapter 96, section 9, is again amended:

a. By adding thereto, at the end of the first paragraph thereof, the words: "Such delay is governed by the provisions of article 8.";

b. By replacing the words: "garnishing the leased premises, and which have not been removed within the specified delay," in the third, fourth and fifth lines of the third paragraph thereof, by the words: "on which he has a lessor's privilege".

9. Article 1286 of the said Code, as enacted by the act 13 George V, chapter 78, section 4, is amended by replacing the words: "the sum of one dollar for drawing up and taking such declaration", in the third and fourth lines of the second paragraph thereof, by the words:

" , if he declares that he owes at least such amount, a fee of one dollar which shall be deducted from the sum owing to the judgment debtor".

10. Article 1287 of the said Code is repealed.

11. Article 1320 of the said Code is amended by adding thereto the following paragraph: C. C. P., art. 1320, am.

“They are not bound so to do with respect to wills Inspection of which have been revoked, except upon the testator’s revoked demand or upon an order for inspection.” wills.

12. This act shall come into force on the day of its Coming into sanction. force.

