



CHAPTER 75

An Act respecting the courts

[Assented to, the 27th of May, 1937]

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

Judges of Sessions of the Peace

1. Section 215 of the Courts of Justice Act (Revised R. S., c. 145, Statutes, 1925, chapter 145) is replaced by the following: s. 215, replaced.

“**215.** The Court of the Sessions of the Peace shall be a court of record, composed of judges of the sessions, with jurisdiction throughout the Province. Court of Sessions of the Peace.”

The Lieutenant-Governor in Council may fix the residence of each of such judges and, when fixed, such residence may be changed, from time to time, but only on the recommendation of the Chief Justice. Fixing of residence of judges.”

Police Magistrates

2. Division V of the said act, consisting of sections 242 to 252, inclusively, and their amendments, is repealed. R. S., c. 145, Div. V, repealed.

Magistrate's Court

3. Section 271 of the said act is replaced by the following: Id., s. 271, replaced.

“**271.** The Lieutenant-Governor in Council may fix the residence of each district magistrate in the Residence of magistrates.”

territorial division which shall be assigned to him and, when fixed, such residence may be changed, from time to time, but only on the recommendation of the Chief Justice."

R. S., c. 145, s. 272, replaced. **4.** Section 272 of the said act, as amended by the act 18 George V, chapter 57, section 1, is replaced by the following:

Salaries, etc., of district magistrates. **"272.** The annual salary of every district magistrate ordinarily filling the duties of such office shall not exceed the sum of six thousand dollars, and the salary so fixed by the Lieutenant-Governor in Council shall be paid out of the consolidated revenue fund of the Province. Each such district magistrate shall be bound to fulfil the duties attached to his office and any other duties which any law in force in this Province imposes or may impose upon him."

R. S., c. 145, s. 273, replaced. **5.** Section 273 of the said act is replaced by the following:

Allowance in excess of travelling expenses. **"273.** Every district magistrate when he travels in the performance of his duties shall be entitled to receive, in addition to his actual travelling expenses, an additional sum the amount and conditions of payment whereof shall be determined by the Lieutenant-Governor in Council, for every day of his compulsory absence from the residence assigned to him.

Voyages must be authorized to receive such allowance. Voyages, however, beyond the district or districts assigned to the magistrate shall not entitle him to the sums above contemplated unless they have been previously authorized by the Attorney-General or by the Chief Justice or the Acting Chief Justice, as the case may be.

Payment of expenses. The expenses incurred under the provisions of this section shall be paid out of the consolidated revenue fund."

R. S., c. 145, s. 288a, added. **6.** The said act is amended by inserting, between the title of Subdivision 2 of Division 1 of Part III thereof and section 289 thereof, the following section:

"Territorial division". **"288a.** In this division the words: "territorial division" mean any territorial division of the Province which will be established by the Lieutenant-Governor in Council."

7. Section 289 of the said act is replaced by the following:

R. S., c. 145,
s. 289, re-
placed.

"**289.** 1. The Lieutenant-Governor in Council may, when he thinks proper, establish, by proclamation, in and for each territorial division which he may determine, and in or for any place in the Province, one or more Magistrate's Courts, called by the name of the territorial division or place, as the case may be, where such courts may be established, to wit: "Magistrate's Court for the territorial division of , (or the City of , or the Town of , or the municipality of ,," or as the case may be, mentioning the territorial division or place).

Establishing
of Magistra-
te's Courts.

2. If more than one such court be established for a territorial division, each thereof other than the one first established, shall further be called by the name of the place where such court may be established by proclamation or order-in-council, to wit: "Magistrate's Court for the Territorial Division of (*name of territorial division*) at (*name of place*)."

If more than
one court
established.

3. There shall not be established a Magistrate's Court sitting elsewhere than at the chief-place of a district or county until after the establishment of a Magistrate's Court sitting at such chief-place.

Restriction.

4. The number of District Magistrates shall not at any time exceed thirty-five."

Number of
magistrates.

8. The said act is amended by replacing sections 290, 291, 292 and 293 by the following:

R. S., c. 145,
ss. 290-293,
replaced.

"**290.** The Lieutenant-Governor in Council may defray, out of the consolidated revenue fund, the cost of the necessary premises for the holding of Magistrate's Courts in that part of the electoral district of Saguenay situated to the east of the Jeremy Islands inclusively.

Magistrate's
Courts in
certain part
of electoral
district of
Saguenay.

The Magistrate's Courts contemplated in this section shall be held on any juridical day upon which the magistrate is present, whereof the parties have been advised by notice or otherwise."

Sittings
thereof.

9. The said act is amended by adding thereto, after section 293 thereof, the following section:

R. S., c. 145,
s. 293a,
added.

"**293a.** The Magistrate's Court and every judge or magistrate presiding over it shall be subject to the

Superior
Court and
jurisdiction

over Magistrate's Court. superintending and reforming power, order and control of the Superior Court and of the judges thereof, in such manner and form as by law provided."

R. S., c. 145, s. 294, replaced. **10.** Section 294 of the said act, as amended by the act 16 George V, chapter 14, section 32, is replaced by the following:

Place for holding court. "294. The Magistrate's Court shall sit at the place fixed by the Lieutenant-Governor in Council in the proclamation establishing it.

Changing such place. The Lieutenant-Governor in Council may, by proclamation, change such place.

Remuneration of clerks. The clerks of the Magistrate's Courts shall receive no other remuneration as such than such fees as they may be entitled to under the tariffs hereinafter mentioned.

Granting of additional remuneration to such clerks. The Lieutenant-Governor in Council may grant to each of the clerks of the Magistrate's Courts whom he designates on account of particular conditions, over and above the fees he is authorized to receive under the tariffs, such additional remuneration as he may be pleased to fix in conformity with the provisions of the Outside Service Act (Chapter 10A)."

R. S., c. 145, s. 300, repealed. **11.** Section 300 of the said act is repealed.

Certain title, C. C. P., am. **12.** The title of section VI of chapter II of the First Part of the Code of Civil Procedure is amended by striking out the word: "*District*".

C. C. P., art. 61, replaced. **13.** Article 61 of the said Code, as replaced by the act 13 George V, chapter 78, section 1, is again replaced by the following:

Jurisdiction of Magistrate's Court. "61. The Magistrate's Court has ultimate civil jurisdiction, subject to articles 62*a* and 62*b*, to hear and determine:

1. All appeals under section 504 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), article 677 of the Municipal Code and section 508 of the Education Act (Revised Statutes, 1925, chapter 133);

2. All contestations of elections in virtue of the Municipal Code or of the Education Act;

3. All suits for the annulling of any by-law, procès-verbal, roll, resolution or other ordinance of a municipal corporation or any act of a municipal officer in virtue of article 430 of the Municipal Code;

4. All suits for the recovery of school-rates, taxes, assessments or contributions, or of rates, taxes, assessments, penalties, damages or sums of money whatever, due and payable in virtue of the Municipal Code, or in virtue of any special municipal act of incorporation, or in virtue of any by-laws or regulations made under the authority of such acts, or under the laws respecting abuses prejudicial to agriculture;

5. All demands for assessment for the construction or repair of churches, presbyteries and cemeteries;

6. All other suits, whether personal or real, wherein the sum claimed or value of the thing demanded is under one hundred dollars, including the interest claimed.

This court has also jurisdiction to take cognizance, upon evocation, of any suit brought before a Commissioners' Court sitting in any district other than that of Montreal, in the cases mentioned in articles 1268 and 1269; but the suit so transferred from the Commissioner's Court to the Magistrate's Court may be evoked to the Superior Court whenever evocable under paragraph *b* of article 62a."

14. Article 62 of the said Code, as replaced by the C. C. P., art. act 13 George V, chapter 78, section 1, is again replaced by the following:

"**62.** The jurisdiction conferred by article 61 is exclusive of all other courts with the exception of the jurisdiction of the Exchequer Court of Canada, of that of the Superior Court in matters of petition of right and in suits for an alimentary allowance, and of the jurisdiction of the Commissioners' Court and the Recorder's Court, as determined by the laws governing them."

15. Article 62a of the said Code, as enacted by the C. C. P., art. act 12 George V, chapter 94, section 5, and as replaced by the act 13 George V, chapter 78, section 1, is again replaced by the following articles:

"**62a.** The demand, suit or action may be evoked to the Superior Court:

a. In the matters contemplated in paragraphs 4 and 5 of article 61, when the sum claimed is one hundred dollars or over;

b. In the matters provided for in article 49 of this Code, whatever may be the amount demanded or the value of the thing claimed.

When appeal to lie. “**62b.** An appeal lies to the Court of King’s Bench, sitting in appeal, from any final judgment rendered by the Magistrate’s Court in the matters enumerated in paragraphs 4 and 5 of article 61, when the sum demanded is five hundred dollars or over.”

C. C. P., art. 1292, am. **16.** Article 1292 of the said Code is amended by adding thereto, after the number: “59”, in the second line thereof, the number: “61”.

Id., art. 1293, am. **17.** Article 1293 of the said Code is amended by adding thereto, after paragraph 1 thereof, the following paragraph:

Grave injustice. “**1a.** When the decision of a court entails grave injustice amounting to fraud;”.

Commissioners’ Court

R. S., c. 145, s. 147, replaced. **18.** Section 147 of the Courts of Justice Act (Revised Statutes, 1925, chapter 145) is replaced by the following:

Establishing of Commissioners’ Court. “**147.** The Lieutenant-Governor in Council may establish a Commissioners’ Court in any town where the Magistrate’s Court does not sit, in any municipality governed by the Municipal Code, in any township and in any territory not erected into a municipality.”

R. S., c. 145, ss. 149-151, repealed. **19.** Sections 149, 150 and 151 of the said act are repealed.

Id., s. 153, am. **20.** Section 153 of the said act is amended by striking out the words: “, town, parish, township, or extra-parochial”, in the first and second lines thereof.

Id., s. 154, replaced. **21.** Section 154 of the said act is replaced by the following:

Abolishing of court. “**154.** The Lieutenant-Governor in Council may abolish any Commissioners’ Court as he may designate.

Transmission of records. The Lieutenant-Governor in Council may also order that the records and archives of any court, so abolished, be transmitted to the court designated by him.

A notice of the order-in-council, ordering the abolition of a court and the transmission of the records and archives of the said court, shall be published for two consecutive weeks in the *Quebec Official Gazette*.^{Notice.}

22. Section 155 of the said act is repealed.

R. S., c. 145, s. 155, repealed.

23. Sections 158, 159 and 160 of the said act are replaced by the following section:

Id., ss. 158-160, replaced.

“**158.** The Commissioners’ Court shall retain its jurisdiction throughout the territory for which it was originally established, even when such territory has been subdivided into distinct municipalities. It shall, however, cease to have jurisdiction in any territory, erected into a town municipality wherein a Magistrate’s Court sits and in any territory erected into a city municipality.”

Jurisdiction of Commissioners’ Court.

24. Sections 162, 163, 164, 165, 166 and 167 of the said act are replaced by the following section:

R. S., c. 145, ss. 162-167, replaced.

“**162.** The Lieutenant-Governor in Council shall appoint a clerk and, if he deems fit, a deputy-clerk for each Commissioners’ Court.

Clerk, etc., of Commissioners’ Court.

The clerk shall, before entering into office, give such security as the Lieutenant-Governor in Council may determine.”

Giving of security.

25. Section 169 of the said act is amended:

R. S., c. 145, s. 169, am.

a. By replacing the words: “commissioner, or commissioners, according to circumstances, and in the manner prescribed by section 162”, in the third, fourth and fifth lines thereof, by the word: “commissioners”;

b. By striking out the words: “or of one of them,” in the seventh line thereof.

26. Section 172 of the said act is replaced by the following:

Id., s. 172, replaced.

“**172.** The court shall be held by at least two commissioners; but all the commissioners may sit together.

By whom court is held.

However, any writ of summons, of execution, or of attachment after judgment and any subpoena may be signed by one commissioner.”

Signing by one commissioner.

R. S., c. 145, s. 180, am. **27.** Section 180 of the said act is amended by adding thereto the following paragraph:

Prohibiting
of service by
certain bail-
liff

“No bailiff, interested directly or indirectly in the recovery of any claim which is the object of any suit before the Commissioners’ Court, may, under penalty of nullity of the service, and of the fine provided in section 181, serve any proceeding or execute any writ in connection with such suit.”

R. S., c. 145, s. 181, am. **28.** Section 181 of the said act is amended by adding thereto, after the word: “of”, in the fourth line thereof, the words: “and any bailiff who infringes section 180”.

C. C. P., art. 59, replaced. **29.** Article 59 of the Code of Civil Procedure, as amended by the acts 4 Edward VII, chapter 47, sections 1 and 2, and 15 George V, chapter 81, section 1, is replaced by the following:

Jurisdiction
of Commis-
sioners’
Court.

“**59.** The Commissioners’ Court exercises an ultimate jurisdiction in all suits merely personal or relating to moveable property against a defendant residing in the same locality or in another locality within a distance of ten miles from where the court is sitting, when the sum demanded does not exceed twenty-four dollars and ninety-nine cents, inclusive of the interest to the date of the summons, in the following matters only:

a. In suits for the recovery of assessments, imposed for the building or repairing of churches, parsonages and churchyards;

b. In suits founded on bills of exchange, promissory notes, cheques, writings or deeds under private signature;

c. In all suits founded on verbal agreement for the payment of a fixed sum of money, or upon detailed accounts, or for goods or merchandise delivered, or for money loaned, or for professional or other services;

d. In all suits for the recovery of rent or of damages resulting from the violation of any agreement of a lease or from the failure to accomplish the obligations attached by law to the lease or resulting from the relations of lessor and lessee.

Restriction. Nevertheless the defendant cannot be summoned before a Commissioners’ Court sitting in any locality other than that in which he resides, if the latter be a

city or a town or a locality in which another Commissioners' Court is established."

30. Section 60 of the said Code is repealed.

C. C. P., art.
60, repealed.

Social Welfare Court

31. The Courts of Justice Act (Revised Statutes, R. S., c. 145, 1925, chapter 145) is amended by adding thereto, after section 266 thereof, the following Division and sections: Div. VII, added.

"DIVISION VII

"Social Welfare Court

"**266a.** The Lieutenant-Governor in Council may establish, by proclamation, courts of record designated under the name of "Social Welfare Court of (*name the place designated by the Lieutenant-Governor in Council*)". Establishing of Social Welfare Court.

Such courts may be established only for a city or a town with a population of over twenty-five thousand souls or for a group of cities or towns aggregating at least such population. Population required.

"**266b.** The Lieutenant-Governor in Council shall appoint during good behaviour, by a commission under the Great Seal, judges to preside over the courts established in virtue of this Division. Appointing of judges for such courts.

He may also enact that any Social Welfare Court designated by him shall be presided over by a judge of the Court of Sessions or a district magistrate to whom he may grant such power. Idem.

"**266c.** The salary of the judges of such courts shall be determined by the Lieutenant-Governor in Council, but shall not exceed six thousand dollars per annum, payable out of the consolidated revenue fund. Salaries of judges.

"**266d.** Every Social Welfare Court and every judge presiding over same shall have, respectively, the powers conferred upon them by competent authority. Powers of court.

"**266e.** Without restricting the generality of the terms of section 266d, every Social Welfare Court and every judge presiding over same shall exercise, within the territory wherein it is established and exclusively, Jurisdiction of Social Welfare Court.

the jurisdiction attributed respectively to a court or to a judge relating to:

a. juvenile delinquents in virtue of the act of the Parliament of Canada (19-20 George V, chapter 46);

b. the admission of children to industrial schools in virtue of the Industrial School Act (Revised Statutes, 1925, chapter 160);

c. the hospitalization of indigents in virtue of the Quebec Public Charities Act (Revised Statutes, 1925, chapter 189);

d. the investigations contemplated under section 7*a* of the Quebec Old Age Pensions Act;

e. the admission of the insane in virtue of sections 22*a* and 46 of the Insane Asylums Act (Revised Statutes, 1925, chapter 190);

f. all other matters for which jurisdiction shall be attributed to a Social Welfare Court or to a judge presiding over same.

Additional
duties of
judges.

“**266f.** The judge of a Social Welfare Court shall, in addition, in the territory wherein such court is established, promote the protection of childhood and good relations between consorts.

Acting as
adviser, etc.

For such purpose he shall act as conciliator, when so requested, in any dispute between consorts and advise such persons as may apply to him in the case of offences committed by juvenile delinquents.

Oath.

“**266g.** The judges of the Social Welfare Court before entering into office shall take an oath before a judge of the Court of King’s Bench or of the Superior Court, as follows:

“I, A. B., swear that I will faithfully, impartially and honestly, to the best of my knowledge and ability, perform all the duties and exercise all the powers of judge of the Social Welfare Court.”

Place of sit-
tings.

“**266h.** The Social Welfare Court shall hold its sittings at the place designated by the Lieutenant-Governor in Council.

When it may
sit.

It may sit on every juridical day.

Clerk and
deputy-
clerk.

“**266i.** Whenever such court sits at the chief-place of a judicial district, the clerk of the peace and the deputy-clerk of the peace shall, respectively, be clerk and deputy-clerk of such court.

“**266j.** Whenever the court sits elsewhere than at the chief-place, the clerk and the deputy-clerk shall be appointed by the Lieutenant-Governor in Council. When sittings other than at chief-place.

“**266k.** The Lieutenant-Governor in Council may also appoint the clerks and employees necessary for the proper working of each of such courts. Appointing of clerks, etc.

“**266l.** The clerk or the deputy-clerk of a Social Welfare Court may, in their respective qualities, in case of the absence or inability to act of the judge, conduct all proceedings and perform all acts in connection therewith except the rendering of judgment and pronouncing of sentence—in connection with matters coming within the legislative authority of the Province. Acting by clerk, etc., in absence, etc., of judge.

“**266m.** The clerk shall draw up minutes of the proceedings at the hearing and he shall be the custodian of the archives of the court. Minutes, etc.

“**266n.** The sheriff shall be an official of the Social Welfare Court whenever it sits at the chief-place of a district. Sheriff as official.

“**266o.** Every constable and peace officer shall, *ex-officio*, be constable and peace officer of a Social Welfare Court. Ex-officio constable, etc.

“**266p.** When a Social Welfare Court shall be established in virtue of this Division for the city of Montreal, the Juvenile Delinquents' Court established for such city shall cease to exist and it shall be replaced by the Social Welfare Court so established, and the judge who shall be appointed to preside over such latter court shall replace the person presiding over the Juvenile Delinquents' Court.” Procedure if Social Welfare Court established for city of Montreal.

Circuit Court

32. Division III of Part I of the said Courts of Justice Act, comprising sections 57 to 63, inclusively, 63a, 64, 64a and 65 to 90, inclusively, and the amendments thereto, are repealed. R. S., c. 145, Div. III, Pt. I, repealed.

33. Section 94 of the said act is replaced by the following: Id., s. 94, replaced.

“**94.** All juridical days shall be term days.” Term days.

34. Section 96 of the said act is replaced by the following: R. S., c. 145, s. 96, replaced.

Jurisdiction. “**96.** The jurisdiction of the court and the proceedings before it shall be governed by the Code of Civil Procedure.”

R. S., c. 145, s. 97a, added. **35.** The said act is amended by adding thereto, after section 97 thereof, the following:

Clerk, etc. “**97a.** The Lieutenant-Governor in Council shall appoint the clerk and the deputy-clerks of the court.”

R. S., c. 145, s. 98, replaced. **36.** Section 98 of the said act is replaced by the following:

Sheriff of Montreal as court official. “**98.** The sheriff of the district of Montreal shall also be an official of the court and shall be bound, within the limits of his district, to obey the orders of the court in any matter pending before it.

Clerk and deputy-clerks. The clerk and the deputy-clerks of the court shall be bound to obey the orders of the latter in matters competent to it.

Bailiffs. The bailiffs of the Superior Court shall also be bailiffs of said court.

Keeping of books of account. “**98a.** The clerk of the court shall keep books of account showing the amount of public monies in his hands, in such manner as the Lieutenant-Governor in Council may order, and deposit such monies in conformity with subdivision 2 of Division VII of the Treasury Department Act (Chap. 20).

Making of daily entries. Every such officer must make daily entries in his cash book, and all his books and papers respecting such public monies shall be at all times, during office hours, open to the inspection of such persons as the Lieutenant-Governor in Council may authorize.

Handing over of sums, etc. Whenever a clerk is dismissed or resigns, he must, within three months of his dismissal or resignation, pay and hand over to his successor in office, all the sums of money or other things which, at such date, were in his hands or for which he was then responsible in virtue of his office.

Obligations of heirs, etc. The heirs or representatives of such officer, in the event of the death of the latter, shall be subject to the same obligations.

Duties of successor in office. The successor in office, as soon as such sums of money or other things have been paid or handed over to him, shall be obliged to execute and carry out all the judgments and orders for the distribution and the pay-

ment of such sums or the handing over of such other things, in the same manner as the preceding clerk would have been obliged to do, whether such judgments or orders have been rendered or given before or after the death, dismissal or resignation of the preceding clerk.

Nothing in this section contained shall lessen the duration or the extent of the responsibility of any surety of the clerk of the Circuit Court, under the law.” Responsibility not affected.

37. The acts 23 George V, chapter 64, and 23 George V, chapter 66, are repealed. 23 Geo. V, cc. 64, 66, repealed.

38. The Superior Court shall exercise the jurisdiction exercised, prior to the coming into force of this act, by the Circuit Court in the Province, except in the judicial district of Montreal, in matters other than those enumerated in article 61 of the Code of Civil Procedure. Certain jurisdiction of Superior Court.

Recorder’s Court

39. After the coming into force of this act, a law of a city or town municipal corporation establishing a Recorder’s Court must, to have effect, be approved by the Lieutenant-Governor in Council. Approval required for certain by-law.

General Provisions

40. The Lieutenant-Governor in Council shall appoint during good behaviour by a commission under the Great Seal, from among the judges of the courts of the Province, other than the Court of King’s Bench, the Superior Court and the Circuit Court of the district of Montreal. Appointing of :

a. a Chief Justice with residence at Montreal or at Quebec, as the Lieutenant-Governor in Council may determine; and Chief Justice ;

b. an Acting Chief Justice with residence at Quebec, if that of the Chief Justice is attached to Montreal, and with residence in such latter city, if that of the Chief Justice is at Quebec. Acting Chief Justice.

The judges and the magistrates of the courts of the Province, other than the Court of King’s Bench, the Superior Court and the Circuit Court of the district of Montreal, are subject to the supervision, orders and control of such Chief Justice and Acting Chief Justice respecting the administration of Justice before such courts. Powers of such justices.

Where jurisdiction exercised.

The jurisdiction accorded by this section to the Chief Justice and to the Acting Chief Justice shall be exercised by each of them respectively in the territory of the appellate division established by article 47 of the Code of Civil Procedure wherein he has his residence.

Salaries.

41. The salary of the Chief Justice and of the Acting Chief Justice shall be fixed by the Lieutenant-Governor in Council and shall not exceed, for the first above named, nine thousand dollars per annum and for the second, eight thousand dollars; such salaries shall be paid out of the consolidated revenue fund.

Id., of certain judges in office.

Such salaries shall not be reduced so long as the titular is in the exercise of his functions; the same shall apply to the salaries of the judges of the Sessions of the Peace and district magistrates in office at the time of the coming into force of this act or who shall have been subsequently appointed.

Whom they shall replace.

42. The Chief Justice and the Acting Chief Justice who shall be appointed under section 40 of this act shall replace the Chief Justices of the Sessions of the Peace and the Chief District Magistrate.

Application of ss. 1 and 3.

43. The provisions of sections 1 and 3 of this act respecting the residence of the judges of the Sessions of the Peace and the district magistrates shall apply to the judges of the Sessions of the Peace and the district magistrates in office at the time of the coming into force of this act.

Continuing in office of certain judges.

The judges of the Sessions of the Peace and the district magistrates actually discharging the duties of these offices shall continue to be judges of the Sessions of the Peace and district magistrates and to exercise their functions in the manner provided in this act.

Amendments to the Code of Civil Procedure and to the Statutes

C. C. P., art. 15, am.

44. Article 15 of the Code of Civil Procedure, as amended by the acts 62 Victoria, chapter 52, section 1; 9 Edward VII, chapter 73, section 2; 1 George V (1910), chapter 42, section 1; 5 George V, chapter 51, section 2; 5 George V, chapter 81, section 1; 14 George V, chapter 42, section 2; 19 George V, chapter 85, section 6; 23 George V, chapter 112, section 1; 24 George V,

chapter 76, section 1, and 1 Edward VIII (2nd Session), chapter 41, section 1, is again amended:

a. By striking out the word: "District", in paragraph 9 thereof;

b. By replacing paragraph 12 thereof by the following:

"12. The district of Gaspé;"

Gaspé.

45. Article 29 of the said Code, as 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 striking out the words: "*de district*", in the first line of the third paragraph of the French version thereof. C. C. P., art. 29, French version, am.

46. Article 32 of the said Code is amended by replacing the words: "or of the Circuit Court, discharging their duties in the same circuit or district", in the first, second and third lines thereof, by the words: "discharging their duties in the same district, or two or more judges of the Circuit Court". Id., art. 32, am.

47. Article 37 of the said Code, as amended by the acts 1 George V (1911), chapter 50, section 1, and 14 George V, chapter 80, section 3, is again amended by inserting therein, after the word: "Court", in the sixth line of the second paragraph thereof, the words: "or before the Magistrate's Court". Id., art. 37, am.

48. Article 40 of the said Code is amended:

Id., art. 40, am.

a. By replacing paragraph 3 thereof by the following:

"3. The Circuit Court of the district of Montreal;"

b. By striking out the word: "District", in paragraph 5 thereof;

c. By replacing the last paragraph thereof by the following:

"The jurisdiction of the Court of King's Bench and of the Superior Court covers the whole Province; the jurisdiction of the Circuit Court of the district of Montreal, of the Magistrate's Court, of the Court of Justices of the Peace, of the Commissioners' Court and of the Recorder's Court is limited to certain localities." Jurisdiction of certain courts.

C. C. P., art.
48, am.

49. Article 48 of the said Code, as replaced by the act 10 George V, chapter 79, section 1, and as amended by the act 13 George V, chapter 76, section 1, is again amended by inserting therein, after the words: "Circuit Court", in the third line thereof, the words: ", of the Magistrate's Court".

Id., art. 49,
am.

50. Article 49 of the said Code, as replaced by the act 10 George V, chapter 79, section 1, and amended by the act 12 George V, chapter 94, section 2, is again amended:

a. By striking out paragraph 1 thereof;

b. By striking out the figure: "2", in the first line of paragraph 2 thereof;

c. By striking out the word: "also", in the first line of the said paragraph 2 thereof;

d. By inserting therein, after the word: "district", in the third line of the said paragraph 2 thereof, the words: "of Montreal; or before the Magistrate's Court";

e. By striking out paragraph 3 thereof.

Id., certain
title am.

51. The title of Section IV of chapter II of the said Code, as replaced by the act 10 George V, chapter 79, section 1, is again replaced by the following: "*Circuit Court of the District of Montreal*".

Id., art. 54,
am.

52. Article 54 of the said Code, as replaced by the act 10 George V, chapter 79, section 1, and amended by the act 13 George V, chapter 76, section 2, is again amended by replacing the words and figures: "articles 48 and 55", in the third line of paragraph 1 thereof, by the word and figures: "article 48".

Id., art.
55, repealed.

53. Article 55 of the said Code, as replaced by the act 10 George V, chapter 79, section 1, is repealed.

Id., art. 55a,
repealed.

54. Article 55a of the said Code, as enacted by the act 12 George V, chapter 94, section 3, is repealed.

Id., art. 56,
am.

55. Article 56 of the said Code, as replaced by the act 10 George V, chapter 79, section 1, is amended:

a. By inserting therein, after the word: "Court", in the first line thereof, the words: "of the district of Montreal";

b. By replacing the words: "the Commissioners' Court for the summary trial of small cases", in the second, third and fourth lines thereof, by the words: "a Commissioners' Court sitting in the judicial district of Montreal in the cases";

c. By striking out the words: "of the district", in the sixth line thereof.

56. Article 57 of the said Code, as replaced by the C. C. P., art. act 10 George V, chapter 79, section 1, is amended by ^{57, am.} inserting therein, after the word: "Peace", in the fifth line thereof, the words: "sitting in the judicial district of Montreal".

57. The said Code is amended by adding thereto, ^{Id., art. 58,} after article 57 thereof, the following: ^{added.}

"**58.** In this Code the words: "Circuit Court" or "Circuit Court of the district" designate the Circuit Court".
Court of the district of Montreal."

58. Article 73 of the said Code, as amended by the C. C. P., art. acts 1 George V (1911), chapter 50, section 2; 7 George ^{73, am.} V, chapter 54, section 1; 13 George V, chapter 78, section 2, and 14 George V, chapter 80, section 4, is again amended:

a. By striking out the words: "circuits or", in the first and second lines of the first paragraph thereof;

b. By replacing paragraph 2 thereof by the following:

"2. For the Superior Court, by at least the majority ^{Superior} of the judges of such court, in meeting assembled for ^{Court.} that purpose by the Chief Justice;"

c. By replacing paragraph 3 thereof by the following:

"3. For the Circuit Court, by the majority of the ^{Circuit} judges of such court, at a meeting convened for that ^{Court.} purpose by the senior judge, and for the Magistrate's Court, by the majority of the district magistrates, at a meeting convened for that purpose by the Chief Justice contemplated in section 40 of the Act respecting the courts (1 George VI, chapter 75);"

d. By striking out the last paragraph thereof.

59. Article 75 of the said Code, as replaced by the C. C. P., art. act 13 George V, chapter 78, section 3, is amended: ^{75, am.}

a. By striking out the word: "District", in the third line of the second paragraph thereof;

b. By striking out the words: "circuits or", in the fifth line of the said second paragraph thereof;

c. By striking out the word: "District", in the second line of the third paragraph thereof.

C. C. P., art. 1126, am. **60.** Article 1126 of the said Code, as replaced by the act 10 George V, chapter 79, section 16, is amended by striking out the words: "however, the judicial powers conferred upon the prothonotary in the absence of the judge cannot be exercised by the clerk of the Circuit Court, except by the clerk of the Circuit Court of the district, or by the deputy-clerk appointed by him", in the fourth, fifth, sixth, seventh and eighth lines of the second paragraph thereof.

Id., art. 1128, am. **61.** Article 1128 of the said Code, as replaced by the act 10 George V, chapter 79, section 16, is amended:
 a. By striking out the words: "for any district", in the first line of the first paragraph thereof;
 b. By striking out the second paragraph thereof.

Id., art. 1129, repealed. **62.** Article 1129 of the said Code, as replaced by the act 10 George V, chapter 79, section 16, is repealed.

Id., art. 1131, am. **63.** Article 1131 of the said Code, as replaced by the act 10 George V, chapter 79, section 16, is amended:
 a. By replacing the words: "whence it issued", in the second and third lines of the first paragraph thereof, by the words: "of Montreal";
 b. By replacing the second paragraph thereof by the following:

Service. "Any writ of summons, of *subpœna* or of execution, issued out of the Circuit Court, may be served or executed outside the district by any bailiff of such district; however, such bailiff is entitled to no more costs than if the service had been made or the execution had been effected by the bailiff nearest to the residence of the person summoned or against whom the execution is taken."

C. C. P., art. 1253, am. **64.** Article 1253 of the said Code is amended by replacing the second paragraph thereof by the following:

“The court shall be held by at least two commis-sioners.”

65. Article 1256 of the said Code is repealed. C. C. P., art. 1256, re-pealed.

66. Article 1258 of the said Code is replaced by the following: Id., art. 1258, replac-ed.

“**1258.** It may, in matters within its jurisdiction, grant interventions and seizures by garnishment after judgment. Interven-tions, etc.”

The judgments obtained before such court shall be executed in conformity with article 1281. Judgments.”

67. The appendix to the said Code is amended by striking out Schedules CC 2, CC 3, and CC 4, as enacted by the act 8 Edward VII, chapter 79, section 1. C. C. P., appendix am.

68. Article 1259 of the said Code is replaced by the following: d., art. 1259, replac-ed.

“**1259.** Seizure by garnishment after judgment may be executed beyond the limits of the territory over which the Commissioners’ Court has jurisdiction, provided an order of one of the commissioners, authorizing such execution at the place or places designated, is indorsed upon the warrant. Executing of seizure by garnishment.”

Every warrant of seizure by garnishment after judgment is returnable in the manner prescribed by article 1264, and the return with a certificate of the proceedings must be made on the day so fixed. Return of warrant.”

69. Article 1260 of the said Code is amended: C. C. P., art. 1260, am.

a. By striking out the words: “of attachment by garnishment before judgment, or”, in the first and second lines thereof;

b. By inserting therein, after the word: “Court”, in the fifth line thereof, the words: “or the clerk of the Magistrate’s Court”.

70. Article 1266 of the said Code is replaced by the following: Id., art. 1266, replac-ed.

“**1266.** Every writ of summons must be served by a bailiff of the Superior Court or by any literate person who makes affidavit as to such service. Service of writ of sum-mons.”

Costs. However, in no case may there be allowed more costs than if the service had been made by the bailiff nearest to the residence of the defendant."

C. C. P., art. 1267, repealed. **71.** Article 1267 of the said Code is repealed.

Id., art. 1268, am. **72.** Article 1268 of the said Code is amended by replacing the words: "for the district", in the second line thereof, by the words: "or to the Magistrate's Court".

Id., art. 1269, am. **73.** Article 1269 of the said Code is amended by inserting therein, after the word: "Court", in the third line thereof, the words: "or to the Magistrate's Court".

Id., art. 1270, am. **74.** Article 1270 of the said Code is amended:
a. By striking out the words: "the commissioner, or", in the second line of the first paragraph thereof;
b. By inserting therein, after the word: "Court", in the fourth line of the first paragraph thereof, the words: "or to the Magistrate's Court, as the case may be".

Id., art. 1276, repealed. **75.** Article 1276 of the said Code is repealed.

Id., art. 1280, am. **76.** Article 1280 of the said Code is amended by replacing the words: ", of contestation, and of arbitration", in the second and third lines of the first paragraph thereof, by the words: "and of contestation".

Id., certain title am. **77.** The title of chapter LXIV of the said Code, as replaced by the act 13 George V, chapter 78, section 4, is amended by striking out the word: "DISTRICT", in the first line thereof.

Id., art. 1284, replaced. **78.** Article 1284 of the said Code, as replaced by the act 13 George V, chapter 78, section 4, is again replaced by the following:

Provisions applicable. **"1284.** Except in so far as they are inconsistent with those of this chapter, the provisions of articles 1126 to 1149 inclusive shall apply to the Magistrate's Court, to the magistrate holding it and to the officers of the court."

C. C. P., art. 1287, am. **79.** Article 1287 of the said Code, as replaced by the act 13 George V, chapter 78, section 4, is amended by striking out the word: "District", in the fourth line thereof.

80. Article 1288 of the said Code, as replaced by C. C. P., art. 1288, repealed. the act 13 George V, chapter 78, section 4, is repealed.

81. Article 1289 of the said Code, as replaced by Id., art. 1289, replaced by the following: the act 13 George V, chapter 78, section 4, is again replaced by the following:

“1289. Articles 1273, 1274, 1275 and 1277 apply to suits taken before any Magistrate’s Court established elsewhere than at the chief-place in the judicial districts of Rimouski, Gaspé, Chicoutimi, Roberval and Saguenay, as may be designated by the Lieutenant-Governor in Council.”

82. Article 1310 of the said Code, as amended by C. C. P., art. 1310, am. the acts 1 George V (1911), chapter 55, section 1, and 12 George V, chapter 93, section 4, and replaced by the act 14 George V, chapter 71, section 7, is amended by replacing the words: “Circuit Court established in and for the county of Temiscamingue”, in the first and second lines of the second paragraph thereof, by the words: “Magistrate’s Court”.

83. Article 1311 of the said Code, as amended by Id., art. 1311, am. the acts 6 Edward VII, chapter 38, section 2; 5 George V, chapter 84, section 1, and 23 George V, chapter 100, section 2, is again amended:

a. By inserting therein, after the word: “Court”, in the sixth line of the first paragraph thereof, the words: “or of the Magistrate’s Court”;

b. By replacing the words: “Circuit Court of the county”, in the twelfth line of the said first paragraph thereof, by the words: “Magistrate’s Court of the division”.

84. Article 1398 of the said Code, as replaced by the Id., art. 1398, replaced by the following: act 61 Victoria, chapter 47, section 9, is again replaced by the following:

“1398. The inventory may, whenever required, be judicially closed by the judge of the Superior Court or the prothonotary, upon the submission of the original inventory or an authentic copy thereof and of a sworn declaration that such inventory is faithful and correct.”

Every prothonotary shall keep an indexed register, in which he shall enter and certify as true, a copy of

every such sworn declaration and closure of inventory made in his district."

- C. C. P., art. 1430, am. **85.** Article 1430 of the said Code is amended:
- a. By striking out the words: "at any place where the said court or the Circuit Court is appointed to be held," in the first, second and third lines of the first paragraph thereof;
 - b. By striking out the second paragraph thereof.

- Id., art. 1436, am. **86.** Article 1436 of the said Code is amended by replacing the words: "of the locality", in the third line of the third paragraph thereof, by the words: "or of the Magistrate's Court".

Amendments to the Statutes and to the Municipal Code

- R. S., c. 1, s. 61, am. **87.** Section 61 of the Interpretation Act (Revised Statutes, 1925, chapter 1) is amended by striking out the words: "or "District Magistrate's Court", in the first and second lines of paragraph 16 thereof.

- R. S., c. 25, s. 130, am. **88.** Section 130 of the Quebec License Act (Revised Statutes, 1925, chapter 25) is amended by striking out the words: "but without any right of evocation therefrom to the Superior Court," in the third and fourth lines of the first paragraph thereof.

- R. S., c. 102, s. 4, am. **89.** Section 4 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), as amended by the act 16 George V, chapter 35, section 1, is again amended:

- a. By replacing paragraph 3 thereof by the following:

"3. The words "Circuit Court" mean, for a city or a town situated in the judicial district of Montreal, the Circuit Court of the district of Montreal;"
- b. By striking out the words: "for the district, county or place," in the second line of paragraph 4 thereof.

- R. S., c. 102, s. 161, am. **90.** Section 161 of the said act is amended by striking out the words: "of the district or of the county", in the fifth line of the first paragraph thereof.

- Id., s. 427, am. **91.** Section 427 of the said act, as amended by the act 16 George V, chapter 37, section 1, is again amended

by striking out the words: "of the county or district", in the sixth and seventh lines of the fourth paragraph of paragraph 28 thereof.

92. Section 504 of the said act is amended by R. S., c. 102, striking out the words: "of the county or of the district," in the first and second lines thereof. ^{s. 504, am.}

93. Section 545 of the said act is amended by Id., s. 545, striking out the words: "for the county or district", in the second and third lines thereof. ^{am.}

94. Section 546 of the said act, as amended by the Id., s. 546, acts 16 George V, chapter 38, section 1; 21 George V, chapter 56, section 3, and 22 George V, chapter 51, section 1, is again amended by striking out the words: "for the county or district", in the third and fourth lines of the first paragraph thereof. ^{am.}

95. The said act is amended by adding thereto, after section 642 thereof, the following: ^{Id., s. 642a, added.}

"**642a.** The by-law contemplated under section 642 must, to come into force, be approved by the Lieutenant-Governor in Council." ^{Approval for by-law.}

96. Section 2 of the Education Act (Revised Statutes, 1925, chapter 133), as amended by the act 25-26 George V, chapter 52, section 1, is again amended: ^{R. S., c. 133, s. 2, am.}

a. By replacing paragraph 10 thereof by the following:

"10. The words: "Circuit Court" mean, for any school municipality within the judicial district of Montreal, the Circuit Court of the district of Montreal;" ^{"Circuit Court".}

b. By replacing the words: "established in and for the district, the county or the locality", in the second and third lines of paragraph 11 thereof, by the words: "having jurisdiction in the territory".

97. Section 267 of the said act is amended by R. S., c. 133, striking out the words: "of the county or district", in the seventh line thereof. ^{s. 267, am.}

98. Section 354 of the said act is amended by Id., s. 354, striking out the words: "of the county or district", in the fourth line of the first paragraph thereof. ^{am.}

R. S., c. 133, s. 409, am. **99.** Section 409 of the said act is amended by striking out the words: "of the county or district", in the seventh line thereof.

R. S., c. 145, s. 2, am. **100.** Section 2 of the Courts of Justice Act (Revised Statutes, 1925, chapter 145), is amended

a. By replacing sub-paragraph *c* of subsection 1 thereof by the following:

Circuit Court.

"c. The Circuit Court of the district of Montreal;"

b. By replacing subsection 2 thereof by the following:

Jurisdiction of certain courts.

"2. The jurisdiction of the Court of King's Bench, of the Superior Court and of the Court of Sessions of the Peace is general and covers the whole Province; the jurisdiction of the Circuit Court of the district of Montreal, the Magistrate's Court, the Recorder's Court, the Court of Justices of the Peace and the Commissioner's Court is local."

R.S., c. 145, s. 50, am. **101.** Section 50 of the said act is amended by striking out the third paragraph thereof.

Id., certain title replaced. **102.** The title of Division V of Part I of the said act is replaced by the following: "COURT OF KING'S BENCH AND SUPERIOR COURT IN THE DISTRICT OF GASPÉ".

Id., s. 105, am. **103.** Section 105 of the said act is amended by replacing the words: ", the Superior Court, and the Circuit Court," in the second and third lines thereof, by the words: "and the Superior Court".

Id., certain title am. **104.** The title of subdivision 2 of the said Division V of the said act is amended by striking out the words: "*Clerks of the Circuit Court*," in the second line thereof.

Id., s. 111, am. **105.** Section 111 of the said act, as amended by the act 16 George V, chapter 14, section 30, is again amended by striking out, in the second and third lines thereof, the words: "a clerk of the Circuit Court at the chief-place,".

Id., s. 113, am. **106.** Section 113 of the said act is amended by striking out, in the fourth and fifth lines thereof, the words: "or joint clerk of the Circuit Court,".

Id., s. 115, am. **107.** Section 115 of the said act, as amended by the act 25-26 George V, chapter 59, section 1, is again

amended by striking out, in the fourth line thereof, the words: "or the Circuit Court".

108. Subdivision 6 of the said Division V of the said act, containing section 117, is repealed. R. S., c. 145, s. 117, repealed.

109. The title of subdivision 7 of the said Division V of the said act is amended by replacing the word: "*Circuits*", in the first line thereof, by the words: "*Electoral districts*". Id., certain title am.

110. Section 118 of the said act is amended: Id., s. 118, am.
a. By striking out the words: "or circuit", in the second line thereof;
b. By striking out the words: "or circuit", in the fourth line thereof;
c. By striking out the words: "*ou circuit*", in the sixth line of the French version thereof.

111. Subdivision 8 of the said Division V of the said act, containing section 119, is repealed. Id., s. 119, repealed.

112. Section 120 of the said act is replaced by the following: Id., s. 120, replaced.

"**120.** In appealable cases, an appeal shall lie to the Court of King's Bench (Appeal Side) sitting at Quebec, subject to the same provisions as in appeals thereto from the Superior Court in other districts."

113. Section 125 of the said act is amended by striking out, in the first and second lines of the second paragraph thereof, the words: "either from any Circuit Court or". R. S., c. 145, s. 125, am.

114. Section 126 of the said act is amended: Id., s. 126, am.
a. By striking out the words: "and the Circuit Court", in the eighth line thereof;
b. By striking out the words: "or Circuit Court", in the tenth line thereof.

115. Section 128 of the said act is repealed. Id., s. 128, repealed.

116. Section 129 of the said act is amended by replacing the words: "Circuit Court in the said islands", in the first and second lines of the first paragraph thereof, by the words: "Magdalen Islands". Id., s. 129, am.

R.S., c. 145,
s. 130,
repealed.

117. Section 130 of the said act is repealed.

Id., s. 131,
am.

118. Section 131 of the said act is amended by replacing the words: "Circuit Courts in the Province", in the third and fourth lines of the first paragraph thereof, by the word: "districts".

Id., s. 132,
am.

119. Section 132 of the said act is amended by replacing the word: "court", in the first line thereof, by the words: "Superior Court".

Id., s. 134,
am.

120. Section 134 of the said act, as amended by the act 17 George V, chapter 47, section 1, is again amended by replacing the words: "Circuit Court of the Magdalen Islands", in the sixth and seventh lines of sub-paragraph 3 of the third paragraph thereof, by the words: "court which rendered the judgment".

Id., s. 136,
am.

121. Section 136 of the said act is amended by replacing the words: "clerk of the Circuit Court", in the fourth line thereof, by the words: "clerks of the Magistrate's Courts".

Id., s. 137,
am.

122. Section 137 of the said act is amended by replacing the words: "Circuit Court", in the first line thereof, by the words: "Magistrate's Court held at Hâvre-Aubert".

Id., s. 138,
am.

123. Section 138 of the said act is amended by replacing the words: "Circuit Court", in the first line thereof, by the words: "court".

Id., s. 216,
am.

124. Section 216 of the said act, as amended by the act 20 George V, chapter 66, section 1, is again amended by striking out the second, third, fourth and fifth paragraphs thereof.

Id., s. 268,
repealed.

125. Section 268 of the said act is repealed.

Id., s. 284,
am.

126. Section 284 of the said act is amended by replacing the words: "District Magistrate", in the first and second lines thereof, by the words: "Justice or Acting Chief Justice, as the case may be,".

Id., s. 285,
am.

127. Section 285 of the said act is amended:
a. By replacing the words: "District Magistrate", in the first line thereof, by the words: "Justice and the Acting Chief Justice";

b. By replacing the word: "him", in the third line thereof, by the word: "them".

128. Section 4 of the Officers of Justice Salary Act R. S., c. 155, (Revised Statutes, 1925, chapter 155) is amended by replacing the words: "at the chief-place", in paragraph 3 thereof, by the words: "of the district of Montreal".

129. Section 7 of the said act is amended by striking out the words: "at the chief-places", in the fourth line of the first paragraph thereof.

130. Section 11 of the said act, as amended by the act 16 George V, chapter 14, section 42, is again amended by replacing the words: "at the chief-place", in the second and third lines of subsection 1 thereof, by the words: "of the district of Montreal".

131. Section 14 of the said act is amended by replacing the words: ", at the chief-places thereof," in the third and fourth lines of subsection 4 thereof, by the words: "of the district of Montreal".

132. Section 27 of the said act is amended by replacing the word: "clerks", in the fourth line thereof, by the word: "clerk".

133. Section 29 of the said act is amended by striking out the words: "at any place other than the chief-place in any district," in the fifth and sixth lines thereof.

134. Section 2 of the Judicial Statistics Act (Revised Statutes, 1925, chapter 163), as amended by the act 20 George V, chapter 72, section 1, is again amended by replacing the word: "each", in the first line of paragraph 2 thereof, by the word: "the".

135. Section 2 of the Quebec Summary Convictions Act (Revised Statutes, 1925, chapter 165) is amended by striking out the words: "police and", in the second line of paragraph 5 thereof.

136. Section 6 of the said act is amended by striking out the words: "police magistrate," in the first and second lines thereof.

- R.S., c. 165,
s. 21, am. **137.** Section 21 of the said act is amended by striking out the words: "to a police magistrate", in the fifth line of subsection 4 thereof.
- Id., s. 52a,
am. **138.** Section 52a of the said act, as enacted by the act 19 George V, chapter 55, section 1, is amended by striking out the words: ", police magistrate", in the fifth line of the second paragraph thereof.
- R. S., c. 190,
s. 40, am. **139.** Section 40 of the Lunatic Asylums Act (Revised Statutes, 1925, chapter 190) is amended by striking out the words: "of the district", in the third and fourth lines of the second paragraph thereof.
- R. S., c. 197,
s. 61, am. **140.** Section 61 of the Parish and Fabrique Act (Revised Statutes, 1925, chapter 197) is amended by adding thereto, after the word: "Court", in the third line of subsection 1 thereof, the words: ", or before the Magistrate's Court".
- R. S., c. 211,
s. 247, am. **141.** Section 247 of the Notarial Code (Revised Statutes, 1925, chapter 211, as enacted by the act 23 George V, chapter 80, section 1) is amended by striking out the words: "the Circuit Court or", in the fourth line of the first paragraph thereof.
- R. S., c. 219,
s. 68, am. **142.** Section 68 of the Land Surveyors' Act (Revised Statutes, 1925, chapter 219) is amended by replacing the words: "in the county or district", in the fourth line thereof, by the words: "as regards the district of Montreal, and elsewhere, in the office of the Magistrate's Court for the territorial division".
- R. S., c. 262,
s. 23, am. **143.** Section 23 of the Registry Office Act (Revised Statutes, 1925, chapter 262), as amended by the act 25-26 George V, chapter 79, section 1, is again amended by replacing the second paragraph of subsection 2 thereof, by the following:
- Attestation. "Such certificate shall be attested under oath taken before the prothonotary of the district, the clerk of the Circuit Court or the clerk of the Magistrate's Court of the territorial division."
- 16 Geo. V,
c. 55, s. 10;
am. **144.** Section 10 of the act 16 George V, chapter 55, is amended by striking out the words: ", a police magistrate", in the third and fourth lines thereof.

145. Article 16 of the Municipal Code, as amended M. C., art. 16, am. by the acts 12 George V, chapter 99, section 1, and 14 George V, chapter 83, section 1, is again amended:

a. By replacing paragraph 9 thereof by the following:

“9. The term “Circuit Court” means, for any locality situated in the judicial district of Montreal, the Circuit Court of the district of Montreal;”

a. By replacing paragraph 9 thereof by the following:

“10. The term “Magistrate’s Court” means the Magistrate’s Court established, by proclamation of the Lieutenant-Governor, in any territorial division or in any locality, and every Magistrate’s Court possesses, in the exercise of the powers attributed to it by this Code, the territorial jurisdiction assigned to it by law or by the proclamation which erected it;”

146. Article 315 of the said Code, as amended by M. C., art. 315, replaced the act 14 George V, chapter 83, section 2, is replaced by the following:

“**315.** The hearing and decision of such contestation is, to the exclusion of all other tribunals, vested in the Circuit Court or in the Magistrate’s Court.”

147. Article 430 of the said Code is replaced by the following:

“**430.** Any by-law, *procès-verbal*, roll, resolution, or other ordinance of a corporation, or any act of a municipal officer, may be annulled, on the ground of illegality, by the Circuit Court or by the Magistrate’s Court, with costs against the corporation.”

148. Article 677 of the said Code, as replaced by M. C., art. 677, am. the act 13 George V, chapter 84, section 4, is amended by replacing the first paragraph thereof by the following:

“**677.** An appeal lies to the Circuit Court or to the Magistrate’s Court, whose decision shall be final;”

149. When a court is abolished through the carrying out of this act, the records, registers, documents and archives of the court abolished, in the possession of the clerk of such court or of any other person, shall

be transmitted to the office of the court which the Lieutenant-Governor in Council may indicate.

Transmit-
ting of re-
cords, etc.,
by clerk, etc.

150. Every clerk or other person having in his possession records, registers, documents or archives of an abolished court, shall be bound to transmit them to the office of the court indicated in the proclamation, within fifteen days from the date of the suppression of such court, under penalty of a fine of ten dollars or imprisonment for fifteen days for each day's refusal or neglect to comply with the requirements of this section.

Costs, etc. of
transmis-
sion.

151. The costs and expenses occasioned by such transmission shall be borne by the Province and shall be paid out of the consolidated revenue fund.

In case of
refusal to
transmit.

152. If the clerk or any person having the custody of such documents refuses to transmit them within the prescribed delay, the Attorney-General may authorize any person whom he may designate to take possession thereof and to transmit them to the office of the court indicated in the proclamation.

Continuing
of proceed-
ings after
transmis-
sion.

153. After the transmission of such records, documents, registers and archives of a suppressed court to the office of the court indicated, all proceedings pending and judgments not executed shall be continued, decided and executed before the court indicated as if such causes had originated therein.

Suspending
of certain
delays.

154. The delays on proceedings in civil matters shall be suspended from the day of the abolition of the court until the twentieth day following the reception of the records by the other court.

Number of
cause.

155. The number of the cause after such transmission shall be that given to it by the clerk of the court whence it was transmitted.

Notice.

156. No notice other than such as would have been required in the court abolished, if it had not been abolished, shall be necessary to continue such causes in the court to which they have been transmitted.

Coming into
force.

157. This act shall come into force on such date as it may please the Lieutenant-Governor in Council to fix by proclamation.