CHAPTER 102

An Act to amend the Code of Civil Procedure to remedy
failure to transcribe stenographic notes of evidence
in certain cases

[Assented to, the 17th of December, 1931]

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

1. The Code of Civil Procedure is amended by adding C. C. P., thereto, after Article 1222 thereof, the following article: art. 1222a, added.

"**1222**a. When it has been established that it is im-Procedure possible, through the death of a stenographer, to procure, in case of within a reasonable delay for preparing the record for the impossibil-within a reasonable delay for preparing the record for the ity to obtain appeal, the transcription of the stenographer's notes of transcription the evidence, or of a part of such notes, the Court of Appeal tion of ste-the evidence, or of a part of such notes, the Court of Appeal nographic may order that the case be restored to the same state as notes of before the trial. This application is made by petition evidence. served upon the opposite party with a notice of the day of its presentation.

In such event, the Court of Appeal awards the costs in-Awarding of curred from the first trial up to and including the order costs. referred to by this Article."

2. The provisions of this act shall apply to civil cases Retroactive inscribed before the Court of King's Bench, (Appeal Side), effect in cer-inscribed before the Court of King's Bench, (Appeal Side), tain case. since the 1st of March, 1931, for which it has been impos-sible, through the death of a stenographer, to place in the record the stenographer's notes of the evidence, or a part of such notes, whether such cases have been decided or not by the said Court of Appeal, and whether the record in the court of original jurisdiction has been returned or not to the said court of original jurisdiction following such judg-

ment if necessary.   In such cases, when an order has been given under Article 1222*a* of the Code of Civil Procedure, the judgment rendered prior to such order shall not constitute *res judicata*.

Coming into force.   **3.** This act shall come into force on the day of its sanction.

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