

version, art. 55, am. section 1, is amended by replacing the word: "exceed", in the fifth line thereof, by the words: "amount to".

C. C. P.,  
art. 1142,  
am.

**2.** The article 1142 of the Code of Civil Procedure, as enacted by the act 10 George V, chapter 79, section 16, is amended by replacing the number: "1148", in the first line of the second paragraph thereof, by the number: "1144".

Coming into  
force.

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

## CHAP. 78

An Act to amend the Code of Civil Procedure respecting  
the District Magistrate's Court

[Assented to, the 29th of December, 1922]

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

C. C. P.,  
arts. 61, 62,  
62a, repla-  
ced.

**1.** Section VI of chapter II of the Code of Civil Procedure (comprising articles 61, 62 and 62a), as amended by the acts 3 Edward VII, chapter 51, section 1; 3 Edward VII, chapter 52, section 1; 6 Edward VII, chapter 42, section 1; 9 Edward VII, chapter 74, section 1; 1 George V (1st session), chapter 8, section 14, paragraph M; 2 George V, chapter 9, section 77; 9 George V, chapter 12, section 14; 9 George V, chapter 78, section 1; 11 George V, chapter 100, sections 1 and 2, and 12 George V, chapter 94, section 5, is replaced by the following:

### "SECTION VI

#### "District Magistrate's Court

Ultimate  
civil juris-  
diction.

Suit for a  
sum not ex-  
ceeding  
\$99.99;

Suits for the  
recovery of  
school-rates,  
etc.,

**"61.** The District Magistrate's Court has ultimate civil jurisdiction to hear and determine:

1. All suits, whether personal or real, wherein the sum claimed or value of the thing demanded does not exceed ninety-nine dollars and ninety-nine cents;

2. 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 or 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;

3. All suits for the recovery of penalties incurred under <sup>Suits for</sup> The Alcoholic Liquor Act and all those for the recovery of <sup>certain</sup> penalties or of sums due to the Treasury of the Province <sup>penalties.</sup> under the Quebec License Act.

The additional Magistrates' Courts established by virtue <sup>Special</sup> of article 3309 of the Revised Statutes, 1909, to the east <sup>jurisdiction.</sup> of and including the Jeremy Islands, have jurisdiction up to an amount not exceeding two hundred dollars.

**"62.** When the amount of rent claimed or the amount <sup>Lessor and</sup> of damages alleged does not exceed ninety-nine dollars and <sup>lessee.</sup> ninety-nine cents, the Magistrate's Court has jurisdiction to hear and determine actions to annul, or to rescind a lease, or to recover damages resulting from the contravention of any of the stipulations of the lease, or the non-fulfilment of any of the obligations which the law attaches to it, or which result from the relation of lessor and lessee.

**"62a.** The jurisdiction conferred by articles 61 and 62 <sup>Certain</sup> is exclusive of the Circuit Court in regard to the matters <sup>exclusive</sup> and things within the purview of articles 54, 55, 56 and <sup>jurisdiction.</sup> 57, in the districts, counties or places where there exists a Magistrate's Court."

**2.** Article 73 of the Code of Civil Procedure, as amended <sup>C. C.P.,</sup> by the acts 1 George V (2nd session), chapter 50, section 2, <sup>art. 73, am.</sup> and 7 George V, chapter 54, section 1, is further amended by adding thereto, after paragraph 2 thereof, the following paragraph:

**"3.** For the District Magistrate's Court, by the majority <sup>Rules of</sup> of the magistrates, at a meeting convened for that purpose <sup>Practice for</sup> by the Chief District Magistrate. <sup>Court.</sup>

**3.** Article 75 of the Code of Civil Procedure, is replaced <sup>C. C. P.,</sup> by the following: <sup>art. 75, re-</sup> <sup>placed.</sup>

**"75.** The Rules of Practice come into force ten days <sup>Coming into</sup> after their publication in the *Quebec Official Gazette*. <sup>force.</sup>

They must, immediately after such publication, be <sup>To be cop-</sup> copied by the clerk of appeals, by the prothonotary or by <sup>ied into the</sup> the clerk of the Circuit or of the District Magistrate's <sup>register of</sup> Court, as the case may be, into the register of each court <sup>each court.</sup> respectively, in the circuits or districts for which they are made.

The clerk of appeals, the prothonotary or the clerk of <sup>Notice to</sup> the Circuit Court or of the District Magistrate's Court <sup>that effect.</sup>

must, moreover, post in the office of the court, a notice stating that new Rules of Practice have been copied into the register of the court, and mentioning when they will come into force."

C. C. [P.,  
Chap.  
LXIV, re-  
placed.

**4.** Chapter LXIV of the Code of Civil Procedure, as amended by the acts 6 George V, chapter 41, sections 1 and 2; 10 George V, chapter 79, section 24, and 12 George V, chapter 94, section 6, is replaced by the following:

## "CHAPTER LXIV

### "PROCEDURE BEFORE THE DISTRICT MAGISTRATE'S COURT

#### "SECTION I

#### *"Provisions applying to all courts*

Rules of  
procedure in  
the C. C. Court  
apply to D.  
Magistra-  
te's Court,  
etc.

**"1284.** Except in so far as they are inconsistent with the provisions of this chapter, the rules relating to proceedings in the Circuit Court apply to the District Magistrate's Court, to the magistrate holding it, and to the officers thereof.

Contents of  
writ of  
summons.

**"1285.** The writ of summons shall contain:

An order upon the defendant to pay the sum claimed or to appear before the court to answer to the demand;

The names, residence or occupation as well of the plaintiff as of the defendant;

A summary statement of the causes of action;

The day on which the defendant has to appear;

The date of its issue.

Signature.

The writ shall be signed by the magistrate or by the clerk of the court.

Declaration  
of garnishee.

**"1286.** In the case of seizure by garnishment either before or after judgment, the garnishee may, by giving two days notice to the seizing party, make his declaration on oath, on or before the day fixed for the return of the writ, before the clerk of the nearest Circuit Court or Magistrate's Court to his domicile.

Oath and  
fee for same.

The clerk who receives this declaration has power to administer such oath to the garnishee and is entitled to receive from him the sum of one dollar for drawing up and taking such declaration. He must transmit the same

Transmis-  
sion to  
clerk of  
court issuing  
writ.

forthwith by post in a registered letter to the clerk of the court from which such writ was issued together with the receipt for the fee which was paid him."

**"1287.** The said sum of one dollar is taxed by the district magistrate or the clerk of the court, as forming part of the costs of the suit; and the receipt of the clerk of the Circuit Court or of the District Magistrate's Court transmitted to the clerk of the Magistrate's Court, stands, for such sum, as a judgment of the said latter court in favour of the garnishee against the party seizing, and may be enforced by execution after the same delay and in the same manner as any other judgment of the court.

Taxation, as part of costs.  
Receipt to have effect of judgment.

**"1288.** Except in the cases where evocation to the Superior Court is permitted, no suits or proceedings in civil matters, taken under this chapter before a district magistrate or before a District Magistrate's Court, can be taken, before any other court, by *certiorari* or otherwise."

*Certiorari*, etc.

## "SECTION II

### *"Provisions applying to certain districts and certain courts*

**"1289.** Articles 1273, 1274, 1275 and 1277 apply to all suits brought before the District Magistrate's Court sitting elsewhere than at the chief place in the districts of Rimouski, Gaspé, Chicoutimi and Roberval, and before the Magistrates' Courts established in the county of Saguenay."

Provisions applying to certain districts and certain courts.

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

Coming into force.

## C H A P. 79

An Act to amend the Code of Civil Procedure respecting exemptions from seizure

[Assented to, the 29th of December, 1922]

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

**1.** Article 598 of the Code of Civil Procedure is amended, by replacing the word: fifty", in the seventh line of paragraph 4 thereof, by the words: "two hundred".

C. C. P., art. 598, am.

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

Coming into force.