

**3.** The following article is inserted in the Code of Civil Procedure, after article 1213 thereof: C. C. P., art. 1213a, enacted.

**"1213a.** Nevertheless, besides the Crown, whenever the Quebec Liquor Commission, itself or one of its officers, or a revenue officer or any other officer of a department of the Government of the Province, a party to a case concerning the imposition of a penalty belonging to the Crown, in whole or in part, or the recovery of a sum of money due to the latter, inscribe such a case in appeal, such party, appellant, is not obliged to furnish the security required under the provisions of this chapter."Security from Crown, etc., not required on appeal.

**4.** Article 1310 of the Code of Civil Procedure, as amended by the act 1 George V (2nd session), chapter 55, 1310, am. section 1, is again amended by replacing the second paragraph thereof, by the following: C. C. P., art. 1310, am.

**"The clerk of the Circuit Court established in and for the county of Temiscaming, sitting at Ville-Marie, and the clerk of the Circuit Court in and for the county of Pontiac at the village of Chapeau, have the same powers as the prothonotary of the Superior Court in any other district for all matters relating to the non-contentious proceedings mentioned in the Tenth Part of this Code."** Powers of certain clerks of Circuit Court.

**5.** The appointments of commissioners made under article 25 of the Code of Civil Procedure before the coming into force of this act are, from and after the first of September next, 1922, null and of no effect, and the commissions, which have been granted to such commissioners, are void from and after the same date, the first of September. Nullification of commissions.

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

## C H A P. 94

An Act to amend the Code of Civil Procedure respecting the jurisdiction of the Circuit and Magistrates' Courts

[Assented to, the 21st of March, 1922]

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

**1.** The French version of article 48 of the Code of Civil C. C. P., art.

48, am., in French version. Procedure, as enacted by the act 10 George V, chapter 79, section 1, is amended by adding, after the word: "jurisdiction", in the fifth line thereof, the word: "exclusive".

C. C. P., art. 49, am. **2.** Article 49 of the Code of Civil Procedure, as enacted by the act 10 George V, chapter 79, section 1, is amended by adding thereto the following paragraph:

Jurisdiction of Superior Court. "3. The Superior Court has also original jurisdiction, by means of evocation, in all suits and actions instituted before the Magistrate's Court, in the matters enumerated in paragraph 2 of article 43 and in paragraph 2 of this article."

C. C. P., art. 55a, enacted. **3.** The Code of Civil Procedure is amended by inserting therein, after article 55, as enacted by section 1 of the act 10 George V, chapter 79, the following:

Jurisdiction of Circuit Court suspended. "**55a.** The jurisdiction of the district Circuit Court, or of the Circuit Court in and for a county, shall be suspended in any district and county where a Magistrate's Court is established, with respect to matters and things within the purview of articles 54, 55, 56 and 57, which are within the competence of the Magistrate's Court."

C. C. P., art. 61, am. **4.** Article 61 of the Code of Civil Procedure, 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, and 11 George V, chapter 100, section 1, is further amended:

a. By inserting therein after paragraph 1, the following paragraph:

Jurisdiction of certain Magistrates' Courts. "The additional Magistrates' Courts established by virtue of article 3309 of the Revised Statutes, 1909, to the east of the Jeremy Islands, inclusively, have jurisdiction up to an amount not exceeding two hundred dollars.";

b. By inserting therein, after the word: "within", in the second line of the second paragraph of paragraph 3 thereof, the words: "the district or".

C. C. P., art. 62a, enacted. **5.** The Code of Civil Procedure is amended by inserting therein, after article 62, as amended by section 2 of the act 11 George V, chapter 100, the following:

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

trate's Court, in conformity with the provisions of the Revised Statutes, 1909, respecting Magistrates' Courts."

**6.** Article 1290 of the Code of Civil Procedure is replaced by the following:

**"1290.** Except in the case 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."

No certiorari, etc.

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

Coming into force.

## C H A P. 95

An Act to amend the Code of Civil Procedure respecting sheriff's sales

[Assented to, the 21st of March, 1922]

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

**1.** Article 749 of the Code of Civil Procedure, as amended by the acts 1 George V (1st session), chapter 42, section 6, and 9 George V, chapter 80, section 1, is replaced by the following:

C. C. P., art. 749, replaced.

**"749.** The officer conducting the sale must require from every bidder, before he receives his bid, a deposit of a sum of money equal to one-tenth of the municipal valuation of the immoveable, whenever the judge has imposed such condition:

Deposit required.

*a.* At the instance of the seizing creditor, in any case of resale upon false bidding or whenever the sale has been stopped by an opposition;

*b.* At the instance of any person interested, when the judge is of opinion that such condition is necessary to prevent the immoveable from being adjudged to some insolvent or unknown person.

If the immoveable does not appear upon the municipal valuation roll, or if there be no municipal valuation roll in force, the amount of the deposit shall be fixed by the judge.

Where amount fixed by judge.

The condition imposed in virtue of this article must be mentioned in the advertisements published under the provisions of article 717 or article 767, as the case may be."

Mention of condition in advertisements.