

## C H A P. 97

An Act to amend the Code of Civil Procedure respecting  
appeals

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

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

**1.** Article 1209 of the Code of Civil Procedure, as C. C. P., art.  
amended by the act 3 George V, chapter 51, section 2, is 1209, am.  
again amended by replacing the words: "two months", in  
the first and second lines thereof, by the words: "thirty  
days".

**2.** The following article is inserted in the Code of Civil C. C. P., art.  
Procedure after article 1215 thereof: 1215a, enacted.

"**1215a.** In actions where the appeal is heard before Security  
three judges, if it be shown to the satisfaction of a judge of only for  
the Court of King's Bench or of the Superior Court that costs of  
the appeal is serious, but that the appellant cannot furnish appeal in  
the security required by article 1214 nor give a sufficient certain  
pledge in its stead, such judge may, on petition to that cases.  
effect, allow the appellant to furnish security only for the  
costs of appeal, instead of the security required by article  
1214.

Such permission is granted upon petition served upon How  
the opposite party with a notice of the day for its presenta- obtained.  
tion, and accompanied by an affidavit of the appellant that  
he is unable to furnish the required security and that he  
cannot substitute a sufficient pledge for it. The judge  
may allow the production of contradictory affidavits and  
the oral examination of witnesses.

The security for the costs of appeal, so authorized by the Effect of  
judge, shall have the effect of suspending execution of the same.  
judgment of the court of first instance.

The judge's order may, on new evidence, be cancelled by Cancellation  
a judge of the Court of King's Bench sitting in appeal, and of judge's  
in that case, the appellant shall furnish, within the delay order.  
fixed by the judge who rendered the judgment in reversal,  
the security required by article 1214, otherwise, the appeal  
is abandoned, saving recourse."

**3.** Article 1238 of the Code of Civil Procedure is amend C. C. P., art.  
ed by adding thereto, after the word: "Court", in the 1238, am.

third line thereof, the following: "but a judge of the Court of King's Bench may render judgment upon the discontinuance".

Coming into force.

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

## CHAP. 98

### Quebec Summary Convictions Act

[Assented to, 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:

#### *Declaratory and Interpretative Provisions*

Short title. **1.** This act may be cited under the title of: "Quebec Summary Convictions Act".

Interpretation. **2.** In this act, unless the context otherwise requires, the expression:

"Territorial division"; **1.** "Territorial division" means any district, county, city, town, village municipality, parish municipality, township municipality or other judicial division or place;

"Court"; **2.** "Court" in the provisions of Part II of this act relating to appeal, or to the stating or signing of a case, means and includes the Court of King's Bench, Crown side;

"District" or "county"; **3.** "District" or "county" includes any territorial or judicial division or place in and for which there is such justice of the peace, officer or prison as is mentioned in the context;

"Common gaol" or "prison"; **4.** "Common gaol" or "prison" for the purposes of this act, means any place, other than a penitentiary, in which persons charged with offences are usually kept and detained in custody;

"Justices of the peace". **5.** "Justices of the peace" includes also, for the purposes of this act, judges of the sessions, and police and district magistrates.

#### *Application of the Act*

Application of act. **3.** 1. Subject to the provisions of section 71, this act shall apply:

a. To every general or special act or law of the Province,