

**3.** This act shall not affect any pending expropriation Pending proceeding. cases.

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

## C H A P. 88

An Act to amend the Revised Statutes, 1909, respecting foreign commissions for the examination of witnesses

[Assented to, 19th of March, 1921]

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

**1.** The Revised Statutes, 1909, are amended by in-R.S., 7541a-serting therein, after article 7541 thereof, the following 7541l. section and articles: enacted.

### "SECTION 11a

"PROVISIONS IN CONNECTION WITH CHAPTER EIGHTEENTH

### "TRIAL

"EVIDENCE TAKEN IN THE PROVINCE AT THE REQUEST OF  
A COURT OF ANOTHER BRITISH POSSESSION OR OF A  
FOREIGN COUNTRY

"**7541a.** When, upon petition to that effect, it is shewn to the Superior Court or to one of the judges thereof, charged with the administration of justice in the district, that a competent court of any other Province of Canada, or of any other British possession, or of a foreign country, before which any civil or commercial case is pending, desires to have the evidence of any party or witness in the district, such court or judge may order that such party or witness may be examined under oath, either by means of questions in writing or otherwise, before any person mentioned in the said order, and may summon, by the same or by a subsequent order, such party or witness to appear for examination, and may order him to produce any writing or document mentioned in the order, or any other writing or document relating to the matter, and which may be in his possession. Judge may order examination of witnesses for foreign court. Production of documents.

Proof in support of petition.

“**7541b.** The commission for the examination of witnesses issued by the court or tribunal before which the case is pending shall be sufficient proof in support of the petition.

Security for costs, etc.

“**7541c.** The petition may not, however, be granted unless the petitioner furnishes a surety possessing all the qualities and the solvency required by articles 1938 and 1939 of the Civil Code, to secure the payment of the indemnity which may be due to the persons summoned to give evidence.

Service of order.

“**7541d.** Such order shall be served on the party or the witness in the ordinary way, by delivering to him a copy certified by the prothonotary. The delay for service shall be that fixed by article 297 of the Code of Civil Procedure.

Witness bound to appear and answer.

“**7541e.** After the service of the order as well as of a notice fixing the day and place of the hearing, and signed by the person or one of the persons entrusted with the hearing of the evidence, and after the payment or the offer of a sum sufficient to defray his travelling expenses at the rate usually allowed by the court of the district, the person so summoned shall be bound to appear at the place, day and hour mentioned, and to reply to the questions put to him; and the provisions of articles 303 and 330 of the Code of Civil Procedure shall be applicable to him if he either fails to appear or, without valid reason, refuses to answer.

Place where examination held.

“**7541f.** The examination must be held either at the court house or at some other place in the municipality in which the sittings of the court are held.

Nevertheless, if the party or the witness resides at a distance of more than one hundred miles from the place where the sittings of the court are held, the court or the judge may allow that he be examined in the locality where he resides.

Administra-  
tion of oath.

“**7541g.** The oath shall be administered by the person or one of the persons authorized to receive such evidence.

Provisions to apply.

“**7541h.** The provisions of the Code of Civil Procedure respecting the competence of witnesses and the examination thereof, must be followed whenever it is possible to apply them to examinations held under this section.

"**7541i.** Any person so summoned to give evidence is entitled, for his expenses and loss of time, to his travelling expenses and the indemnity allowed to witnesses summoned to give evidence at a trial. <sup>Indemnity for witness.</sup>

"**7541j.** The costs of the witnesses shall be taxed by the prothonotary, and the taxation shall be executory against the surety fifteen days after the date of the examination. <sup>Taxation of costs.</sup>

"**7541k.** The surety may obtain a discharge by depositing in the hands of the prothonotary the amount of the costs and indemnity due to the party or the witness, with, in addition, the duty payable upon judicial deposits. The amount so deposited shall be paid by the prothonotary to the person entitled thereto, upon production of the copy of the order which was served upon him. <sup>Discharge of surety.</sup>

"**7541l.** The tariff of the Superior Court shall apply to every proceeding taken under this section." <sup>Tariff to apply.</sup>

**2.** This act shall come into force on the day of its sanction. <sup>Coming into force.</sup>

---

## C H A P. 89

An Act to amend article 1682 of the Revised Statutes of Quebec, 1888

[Assented to, 19th of March, 1921]

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

**1.** Article 1682 of the Revised Statutes of Quebec, R. S. 1888, 1888, as amended by the act 57 Victoria, chapter 20, section 1, is again amended by replacing the sixth paragraph thereof by the following:

"The head office of the society shall be in Montreal."

**2.** This act shall come into force on the day of its sanction. <sup>Coming into force.</sup>

---