

## C H A P . 69

An Act to amend article 94 of the Code of Civil Procedure.

[Assented to 19th February, 1914]

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

**1.** Article 94 of the Code of Civil Procedure, as amended 94 C. C. by the acts 63 Victoria, chapter 41, section 1, 1 Edward <sup>P. am.</sup> VII, chapter 33, section 1, and 4 George V, chapter 68, section 1, is further amended by replacing the first paragraph thereof by the following:

“**94.** In matters purely personal, other than those <sup>Summoning</sup> mentioned in articles 96, 97, 98, 103 and 104, the defendant <sup>of defendant.</sup> may always, notwithstanding any stipulation, agreement or undertaking to the contrary, be summoned.”

## C H A P . 70

An Act to amend article 122 and to replace article 123 of the Code of Civil Procedure.

[Assented to 19th February, 1914]

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

**1.** Article 122 of the Code of Civil Procedure is amended 122 C. C. by adding thereto, at the end thereof, a new paragraph, as <sup>P. am.</sup> follows :

“ So long as a registered commercial partnership is not dissolved, it may be sued under its firm name, but the judgment rendered against it is executory only against partnership property. ”

**2.** Article 123 of the Code of Civil Procedure <sup>is re-</sup> placed by the following: 123 C. C. <sup>P. am.</sup>

“ **123.** The causes of action must be stated in the writ <sup>Cause of</sup> or in a declaration annexed to it. <sup>action.</sup> ”

“ Nevertheless, in an action upon a deed of sale or notarial obligation, a bill of exchange, promissory note, private writing, or for an account, it is sufficient to insert in

or annex to the writ a declaration drawn up in accordance with the appropriate form contained in Schedule A in the Appendix to this Code.

“ In every action on an account, the account must be served with the declaration, on pain of nullity of the service of the action, unless it has been deposited with the fiat at the office of the court.

“ The declaration must be signed by the attorney for the plaintiff, or by the plaintiff himself if he has no attorney.”

## C H A P. 71

An Act to amend the Code of Civil Procedure respecting the service of proceedings of courts outside of Canada, in civil or commercial matters.

[Assented to 19th February, 1914]

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

137a C. C. P. enacted. **1.** The following article is inserted in the Code of Civil Procedure after article 137:

Service of proceeding of foreign tribunal.

“ **137a.** Without prejudice to the ordinary mode of service, the Attorney General may, on request made to the Government through diplomatic channels, direct a bailiff of the Superior Court to serve upon a person actually present in the province, any proceeding issued by a tribunal foreign to Canada in a civil or commercial matter.

Manner of service.

Such service shall be made on the party to be summoned in person or at the place of his ordinary residence in this province, by leaving with or for him a true copy of such proceeding, certified by the officer of the court of such foreign country by which such proceeding was issued. Such copy, when not drawn in the French or English language, must be accompanied by a certified translation thereof in one or other of such languages.

Bailiff's return.

The bailiff shall make a return of service in the ordinary way, either on the original or on a true copy thereof certified by an officer of such foreign court, and shall further declare that the copy which he has served upon the party to be summoned was accompanied by a translation thereof in the French or English language, in case