

Deposit note \$

Entrance premium \$

These presents certify that A. B. has delivered this day to the Company his note for the sum of \$ bearing No. and that he has paid the sum of \$ as entrance premium on the insurance effected with the Company to the amount of \$ for years to be counted from the date hereof, upon a property described in his application dated this day and which is to be completed by a Policy. 19

Secretary.

CHAP. 70

An Act to amend the Revised Statutes respecting Fish and Game Protection Clubs

[Assented to 14th April, 1908]

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

R.S.Q., 5493,
amended.

1. Article 5493 of the Revised Statutes, as amended by the act 6 Edward VII, chapter 36, section 1, is further amended by adding after the word : “ on ”, in the third line, the words : “ from time to time by the Lieutenant-Governor in Council.”

Coming into
force.

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

CHAP. 71

An Act to amend the Revised Statutes with respect to certain appeals to the Circuit Court

[Assented to 14th April, 1908]

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

R.S. Q.,
5565-5579,
replaced.
Judgments

1. Articles 5565 to 5579, both inclusive, of the Revised Statutes, are replaced by the following :

“ **5565.** No judgment rendered in virtue of this section

shall be executory until after fifteen days from the date ^{when ex-} thereof. ^{ecutory.}

“ **5566.** An appeal lies from any such judgment, rendered ^{Appeal to} by one or more justices of the peace, to the Circuit Court of ^{Circuit Court.} the district, or to that of the county, in which the judgment was rendered, provided, in the latter case, that the place where the court is held is the place nearest the defendant's residence where a court is held.

“ **5567.** The appeal is brought by an inscription filed in ^{Inscription} the office of the court before which the appeal is taken, within ^{in appeal,} the fifteen days aforesaid. ^{&c.}

The inscription must contain a description of the parties ^{Its contents.} and of the justice or justices of the peace by whom the judgment was rendered, the date of such judgment, the date, hour and place where the security hereinafter mentioned will be given, and the description of the surety.

After the said inscription has been filed, and within the said ^{Service} fifteen days, the inscription must be served upon the com- ^{thereof.} plainant and upon the justice or one of the justices by whom the judgment was given, or upon the clerk of such justice or justices.

“ **5568.** At the time mentioned in the inscription, which ^{Giving of} must be within five days after the filing of the inscription, or ^{security.} within such further delay as a judge of the appellate court may order, the appellant shall give security before the clerk of such court that he will effectively prosecute the appeal and satisfy the judgment and pay the damages and costs if the appeal is not prosecuted or the judgment appealed from is confirmed. The surety shall justify to his sufficiency to at least the sum of one hundred dollars, and the bond shall be in accordance with form A of this section.

“ **5569.** If security is not given within the prescribed ^{Dismissal of} delays, the respondent may obtain from the clerk a certi- ^{appeal for} ficate of default, and the inscription in appeal is thereupon ^{want of} held to be abandoned and of no effect, saving any recourse ^{security for} which may appertain to the appealing party. ^{costs.}

The costs incurred upon the proceeding so abandoned shall ^{Costs.} be taxed by the clerk.

“ **5570.** The justice or justices by whom the judgment was ^{Transmission} rendered, and his or their clerk, shall, between the tenth and ^{of record by} the fifteenth days after the service of the inscription as afore- ^{justices} said, unless in the meantime the certificate mentioned in article 5569 is served upon one of them, forthwith transmit the record in the case to the clerk of the court seized of the appeal, with

Certificate. a certificate signed by at least one of said justices or his or their clerk that the documents so transmitted are all the documents relating to the cause.

Appearance. “ **5571.** Within the two days next following the fifteenth day mentioned in article 5570, each party shall file an appearance in the office of the said Circuit Court.

Proceedings if the appellant does not appear. “ **5572.** If the appellant does not file such appearance within said time, the appeal shall be deemed to have been abandoned, and the court, upon application of the respondent (even if the latter have not appeared within said delay) shall so declare, and shall allow costs to the respondent, and shall order the record to be transmitted to one of the justices or to the clerk by whom the same was transmitted.

Or the respondent. “ **5573.** If the appellant appears within the said two days, but the respondent does not so appear, he appellant may proceed *ex parte*.

Appearance by leave of Court. “ **5574.** The court however may, in its discretion, at any time before judgment is rendered, permit the appearance of either party in default to appear as aforesaid, upon such terms as to costs or otherwise as the court may fix.

Inscription, trial, &c. “ **5575.** So soon as an appearance has been filed by both parties, or by the appellant, as the case may be, the cause may be forthwith inscribed for proof and hearing with the same delays and notice as are required upon inscriptions in the Circuit Court, and shall be tried, heard and decided summarily.

Judgment, and transmission of record. “ **5576.** The Circuit Court shall adjudge the costs on such appeal; and, if the judgment appealed from be fully confirmed, it shall order that the record be remitted to the justice or justices of the peace or court who shall have pronounced the judgment or conviction.

Record how transmitted, &c., Costs, &c. Such transmission shall be effected by the clerk of the Circuit Court, who shall annex to the record a copy of the judgment of the said court, and a certificate of the costs allowed on the said appeal; and the said costs shall be levied by the same means, and in the same manner, in which the judgment of the justice or justices of the peace, or of the court below, is carried into effect according to law.

If judgment not confirmed, record remains with Circuit Court. “ **5577.** If the said judgment be modified or set aside, in whole or in part, the record and proceedings on the judgment appealed from, and any proceedings upon the appeal, shall remain to form part of the records of the Circuit Court, by

which and under the authority of which, whatever shall have been adjudged, ordered, confirmed modified or amended by the judgment of the said court shall be carried into effect, and that by the same means and in the same manner as the judgment appealed from might itself have been carried into effect.

“ **5778.** The execution of the judgment against the party condemned shall not deprive the party who shall have succeeded, of his recourse against the sureties for the whole or any part of the costs of the appeal remaining unpaid, to the payment of which every surety shall be bound, under the penalty of seizure and execution, in the same manner and to the same degree as the principal parties.

“ **5579.** No judgment rendered in virtue of this section shall be contested or set aside by writ of *certiorari*.

FORM

A.—(Article 5568)

Surety Bond in Appeal

Canada	}	IN THE CIRCUIT COURT.
Province of Quebec		
District of (or)		
County of		

Whereas in a cause (or matter) between A. B., plaintiff or complainant, and C. D., defendant, judgment was rendered on or about the day of , at , in the district of (or county of), by , and the said C. D., (or A. B.,) desires to appeal from the said judgment.

Be it known, that on this day of , in the year , appeared before me, C. E., Clerk of the said Circuit Court, at in the said district of , or county of H. P., (*quality and residence*), who after having justified his sufficiency on oath as required by law, became surety that the said appellant would effectively prosecute the said appeal and satisfy the judgment, and also pay the damages and costs in case the said appeal is not proceeded with, or in case the said judgment is confirmed ; failing all which, the said surety binds himself towards the proper parties to pay and discharge whatever amount may be required by law.

And the above having been read to him, the said surety has signed (or *declared that he is unable to sign.*)

Taken, acknowledged and sworn before
me, the said clerk, at the said
on the day and year secondly above
mentioned.

C. E.

Clerk of the Circuit Court."

Art. 5579,
form 2, re-
pealed.

2. Forms numbers 1 and 2, following article 5579 of the Revised Statutes, are repealed.

Coming into
force.

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

CHAP. 72

An Act to supply the loss of certain registers of acts of civil status of the parish of Ste. Marie de Monnoir, in the county of Rouville

[Assented to 25th April, 1908]

Preamble.

WHEREAS, on or about the 27th March 1907, the duplicates containing the original registers of the baptisms, marriages and burials of the parish of Ste. Marie de Monnoir, in the county of Rouville, whereof one contained the acts of baptisms, marriages and burials of such parish, from the first day of January 1907, have been burned, which may be the occasion of serious injury to divers families and individuals ; and whereas it is expedient to remedy the disappearance of such registers ;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

Prothonotary
of S. C., St.
Hyacinthe
to make
transcripts in
book of cer-
tain entries.

1. It shall be the duty of the prothonotary of the Superior Court, at St. Hyacinthe, to cause a faithful transcript to be made in a book authenticated, in accordance with article 1311 of the Code of Civil Procedure, of all entries of baptisms, marriages and burials, the registers whereof were destroyed in the fire of the 27th day of March, 1907.

Certification

2. Such officer shall, under his own hand, certify each of such