

dence permitted.

in any manner permitted by law, of any baptism, marriage or burial, which occurred during the period hereinabove mentioned, and which could not be proved and entered under the authority of this act.

CHAP. 74

An Act to amend the Code of Civil Procedure respecting the jurisdiction of the Court of King's Bench (Appeal Side) and of the Court of Review

[Assented to 25th April, 1908]

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

C. C. P., art. 43, replaced.

1. Article 43 of the Code of Civil Procedure is replaced by the following :

Appeals to Court of King's Bench.

" 43. Unless where otherwise provided by statute, an appeal lies to the Court of King's Bench, sitting in appeal, from any final judgment rendered by the Superior Court, except :

1. In matters of *certiorari* ;
2. In matters concerning municipal corporations or offices, as provided in article 1006 ;
3. In matters in which the sum claimed or value of the thing demanded is less than five hundred dollars ;
4. At the suit of the party who has inscribed in Review a cause in which the sum demanded or the value of the thing claimed amounts to or exceeds five hundred dollars, and who has proceeded to judgment on such inscription, when the judgment confirms that rendered in the first instance."

Id., art. 44, replaced.
Appeals to Court of King's Bench in certain other cases.

2. Article 44 of the said Code is replaced by the following :

" 44. 1. An appeal also lies to the Court of King's Bench, sitting in appeal, from final judgments of the Superior Court and Circuit Court in the following cases :

- a. When the demand, being for less than two hundred dollars in Circuit Court cases, and less than five hundred dollars in Superior Court cases, relates to fees of office, duties, rents, revenues or sums of money payable to His Majesty ;
- b. When the demand, being for less than two hundred dollars in Circuit Court cases, and less than five hundred dollars in Superior Court cases, relates to titles to lands or tenements,

annual rents or other matters in which the rights in future of the parties may be affected ;

c. In all actions in recognition of hypothecs.

2. Nevertheless, in the cases mentioned in this article, there is no appeal to the Court of King's Bench ;

a. In Circuit Court causes in which judgment has been rendered by the Court of Review ;

b. In Superior Court causes, at the instance of any party who has inscribed in Review and has proceeded to judgment on such inscription, when such judgment confirms that rendered in the first instance."

3. Article 52 of the said Code is replaced by the following : Id., art. 52,

" **52.** An appeal lies to the Court of Review :

replaced.
Court of
Review.

1. From every final judgment of the Superior Court or of the Circuit Court, susceptible of appeal to the Court of King's Bench ;

2. From any final judgment of the Superior Court in suits in which the sum claimed or value of the thing demanded is less than five hundred dollars ;

3. From any final judgment of the Circuit Court in suits in which the sum claimed or the value of the thing demanded amounts to or exceeds one hundred dollars; except in suits for the recovery of assessments for schools or school-houses, or for monthly contributions for schools, and in suits for the building or repairing of churches, parsonages and church-yards ;

4. From every judgment rendered or order given by a judge in non-contentions matters, in virtue of the provisions contained in the tenth part of this code ;

5. From any judgment rendered on any motion or petition to set aside or quash an attachment before judgment or a *capias ad respondendum*.

6. From any judgment in matters concerning municipal corporations and municipal offices on proceedings taken in virtue of Chapter XL of this Code."

4. The following article is inserted in the said Code after article 52 :

Id., art.
added after
art. 52.

" **52a.** 1. An appeal also lies to the Court of Review from interlocutory judgments in matters enumerated in paragraph 1 of article 44 and in paragraphs 2 and 3 of article 52, and susceptible of appeal to the Court of Review, in the following cases: Appeals to Court of Review from interlocutory judgments.

a. When they in part decide the suit ;

b. When they order the doing of anything which cannot be remedied by the final judgment ;

c. When they unnecessarily delay the trial of the suit.

Provisions
applicable.

2. The provisions of paragraph 2 of article 44, apply to all judgments rendered upon appeals taken under this article.

Id., art. 1202
amended.

5. Article 1202 of the said Code is amended by replacing the figure: "4", in the first line of the third paragraph, by the figure: "6".

Id., art.
added after
art. 1202.
Inscription
in Review
of inter-
locutory
judgment.

6. The following articles are inserted in the said Code after article 1202 :

" **1202a.** The inscription in Review of an interlocutory judgment in the cases to which article 52a applies, cannot be made except upon permission granted by one of the judges of the Superior Court, in the district of Quebec or Montreal, as the case may be, upon summary petition, accompanied with copies of such portion of the record as may be necessary to decide whether the judgment in question is susceptible of appeal, and falls within one of the cases specified in article 52a; but the judge before whom such application is made may, if he deems it advisable, refer it to the Court of Review then sitting, if the application be made during term, or may continue it to the first day of the next term, if it is made out of term.

When appli-
cation to be
made.

The application must be made within the fifteen days next after such rendering of the judgment, and cannot be received afterwards.

Service of
petition for
appeal, &c.

" **1202b.** The petition must be served upon the opposite party, and, if required, is followed by a rule calling upon such opposite party to give his reasons against the granting of the appeal; and the service of such rule upon him has the effect of suspending all proceedings before the court which rendered the judgment appealed from.

When delay
to inscribe,
&c., begins.

The delay of eight days prescribed by article 1196, for the inscription and the deposit, begins to run from the date of the judgment granting such petition.

Hearing
&c. of
interlocutory
appeals.

" **1202c.** Appeals from interlocutory judgments must be entered by the clerk and heard by privilege, in a summary manner."

Pending
cases not
affected.

7. The jurisdiction of the Court of King's Bench and of the Court of Review shall not be affected by the provisions of this act, in so far as the cases now inscribed and pending before either of these courts or in which the final judgment shall have been rendered at the time of the coming into force of this act, if the delay for taking the appeal to the court of King's Bench has not then expired, are concerned; and such jurisdiction

shall continue to be governed respecting these cases, by the provisions which are amended or repealed by this act.

- 8.** This act shall come into force on the 1st day of June 1908. Coming into force.

CHAP. 75

An Act to amend the Code of Civil Procedure respecting Appeals to His Majesty in His Privy Council

[Assented to 25th April, 1908]

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

- 1.** Paragraph 3 of article 68 of the Code of Civil Procedure, Code of Civil Procedure, is replaced by the following : art. 68, par.

“ **3.** In every other case where the amount or value of the thing demanded exceeds five thousand dollars.” 3, replaced.

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

CHAP. 76

An Act to amend article 286 of the Code of Civil Procedure respecting the examination of parties on discovery

[Assented to 25th April, 1908]

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

- 1.** Article 286 of the Code of Civil Procedure is amended C. C. P. by striking out the words: “ at any time before trial but ” in art. 286, the first line. amended.

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