

## CHAP. 57

An Act to amend the Code of Civil Procedure respecting actions *in forma pauperis*, and certain depositions

[Assented to 14th March, 1907]

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

**1.** The following article is inserted in the Code of Civil Procedure immediately after article 93 ;

Art. inserted after art. 93 C. C. P.

“**93a.** No action, in relation to which a party has been permitted to sue or plead *in forma pauperis*, shall be discontinued, suspended, or settled, unless the fees and tax due the Crown have been paid and the prothonotary has delivered to one of the parties a certificate establishing the payment thereof.”

Certain actions not to be discontinued, &c., until fees paid, &c.

**2.** The following chapter and articles are added to the Code of Civil Procedure, after article 1444 :

Chapter &c., inserted after art. 1444 C. C. P.

“CHAPTER LXXIV”

“DEPOSITIONS IN PROCEEDINGS IN COURTS OUT OF THE PROVINCE”

“**1445.** Whenever upon an application made for the purpose, it is made to appear to the Superior Court or to a judge thereof, that any court or tribunal of competent jurisdiction, in any other part of His Majesty’s dominions, or in any foreign country, before which any civil matter is pending, is desirous of obtaining the testimony in relation to such matter of any party or witness within the jurisdiction of the court or judge to which or to whom the application is made, such court or judge may, at its or his discretion, order that the party or the witness be accordingly examined under oath by written interrogatories or otherwise, before any person named in such order ; and, by the same or by any subsequent order, may command such party or witness to appear for the purpose of being examined, and to produce any writings mentioned in such order, and any other writings or documents relating to the matter in question that are in the possession or under the control of the party or witness.

Summons by, and examination, &c., before Superior Court, &c., of witness, &c., in case pending before a foreign court.

“**1446.** Upon the service upon such party or witness of such order, and of a notice specifying the time and place for

Service of order and

tender of expenses.

his examination, signed by the person appointed by such order to take the same, and upon payment or tender of such travelling expenses as are ordinarily paid for attendance of a witness before the Superior Court, such party or witness may be compelled to appear and to give testimony, under the penalties prescribed by article 303.

Indemnity &c., of witness.

“**1447.** Every person thus summoned to give testimony, shall be entitled to such travelling expenses and indemnity as are granted to a witness in the Superior Court.

Witness has same privileges as in case before Superior Court, &c.

“**1448.** Every person examined under an order made under this chapter shall have the like right to refuse to answer any questions, which a party or witness, as the case may be, would have in any cause pending before the same court on judge, and no person shall be compelled to produce under such order any writing or other document that he would not be obliged to produce at the trial of such a cause.

Examiner may take oath or affirmation.

“**1449.** Any person authorized to take the examination of parties or witnesses by any order made under this chapter, may take such examination upon the oath of the parties or witnesses, or upon their affirmation, as the case may be, and such oath or affirmation shall be administered by the person so authorized.”

Evidence in support of application.

“**1450.** Rogatory letters from any court of justice in any other of the dominions of His Majesty, or from any foreign court in which a civil cause is pending, shall be deemed and taken to be sufficient evidence in support of such application.”

Coming into force.

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

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## CHAP. 58

### An Act to amend the Code of Civil Procedure

[Assented to 14th March, 1907]

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

C. P. C., art. 95, amended.

**1.** Article 95 of the Code of Civil Procedure is amended by adding thereto the following paragraph :

Inconsistent agreements *vid.*

“No private agreement inconsistent with this article shall be of any effect.”