

C H A P. 36

An Act to amend the Code of Civil Procedure respecting confessions of judgment

[Assented to 28th March, 1901]

HIS MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 530 of the Code of Civil Procedure is replaced C. C. P., 530 replaced.
by the following :

“**530.** If the confession of judgment is not accepted, the plaintiff must, within a delay of thirty days after the service upon him by the defendant of a copy of the confession of judgment, give notice to the defendant that the confession of judgment is not accepted. If confession not accepted.”

After such notice, the case is proceeded with in the ordinary manner ; and, if the plaintiff does not obtain more from the court than he would have had upon the confession, he is not entitled to more costs than if the confession of judgment had been accepted. Proceedings thereafter.

In default of the plaintiff giving the notice, the confession of judgment is deemed to be accepted, and the defendant may also inscribe the case forthwith for judgment in the manner prescribed by the preceding article.” Confession deemed to be accepted in certain cases.

2. This act shall come into force on the day of its sanction and shall apply to pending cases. Coming into force and application to pending cases.

C H A P. 37

An Act to amend articles 1342, 1351 and 1357 of the Code of Civil Procedure

[Assented to 28th March, 1901]

HIS MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 1342 of the Code of Civil Procedure is amended C. C. P., 1342 amended.
by adding the following paragraph thereto :

“In the event of the refusal or inability to act owing to absence or otherwise of the subrogate tutor, established by the tutor’s affidavit, the second expert is appointed by a judge of the Superior Court on the advice of the family council to which the subrogate tutor must have been summoned in the manner prescribed by article 1381.” Appointment of second expert by judge in case of absence or refusal of subrogate tutor.”

C. C. P., 1351 replaced. **2.** Article 1351 of the said Code is replaced by the following :

How sale is made.

“**1351.** The sale must be made judicially in presence of the tutor and subrogate tutor or in the absence of the latter if he has been summoned in accordance with article 1381, or in presence of the curator, as the case may be, to the highest bidder, by public auction, by the judge or prothonotary, or by another person appointed for the purpose.”

C. C. P., 1357, amended. **3.** Article 1357 of the said Code is amended by adding the following thereto :

Petition in name of tutor alone if subrogate tutor absent &c., provided notice be given to latter.

“In the event of the refusal or inability to act through absence or otherwise of the subrogate tutor, established by the tutor’s affidavit, it shall suffice that the petition be presented by the tutor alone, provided a duplicate thereof has been served upon the subrogate tutor with a notice of the place, day and hour at which it will be presented.

Delay on notice.

The delay on the notice is one clear day when the tutor resides at a distance of less than fifteen miles from the place where the petition is to be presented with a further delay of one day for every additional fifteen miles.”

Coming into force.

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

C H A P. 38

An Act to amend article 761 of the Municipal Code

[Assented to 28th March, 1901]

HIS MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

M. C., 761, amended. **1.** Article 761 of the Municipal Code is amended by adding thereto the following words : “ only in the municipalities that are interested or affected by such *procès-verbaux*, by-laws or resolutions.”

Effect of act. **2.** This act is merely declaratory and shall not be interpreted as meaning that the amended law was different from that which is set forth in the preceding section.

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