

Id., 288, re-
placed.

3. Article 288 of the said Code is replaced by the following :

Deposition to
avail as evi-
dence.

“**288.** The deposition taken by virtue of the preceding Articles shall be used as evidence in the case ; but if the party examined as a witness is still in the Province and can be produced at the trial, he may be examined again.

To form part
of record.
Costs.

The deposition taken before the trial shall, in any case, form part of the record, and the cost thereof shall enter into taxation.”

Id., 307 and
733 amended.

4. Article 307 of the said Code is amended by replacing the figures “ 346 ”, in the last line, by the figures “ 356,” and article 733 of the said Code is amended by replacing the word and figures “ 716 and 717,” in the ninth and tenth lines, by the word and figures “ 717 and 718.”

Coming into
force.

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

CAP. LIII

An Act to amend article 599 of the Code of Civil Procedure.

[Assented to 10th March, 1899.]

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

C. C. P., 599,
amended.

1. Article 599 of the Code of Civil Procedure is amended by adding, after paragraph 12, the following :

Certain pen-
sions, &c.,
not liable to
seizure.

“ 13. All pensions granted by financial or other institutions to their employees, by means of retiring funds or pension funds established among the said employees, as well as the instalments paid, or to be paid, to form such pension funds and to give a right to the benefits arising therefrom.”

CAP. LIV

An Act respecting conciliation.

[Assented to 10th March, 1899.]

Preamble.

WHEREAS it is desirable to diminish the number of lawsuits which may arise in country places ;

Whereas, in order to attain that end, it is expedient, in certain cases, to submit lawsuits to conciliation as a condition precedent thereto ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. In matters purely personal affecting moveables and when the amount claimed does not exceed twenty-five dollars, no principal demand being the initial proceedings in a suit, between parties capable of transacting, respecting matters which may be the subject of transaction, shall be received before any court of first instance, unless the defendant has previously been summoned in conciliation before one of the conciliators provided for by this act, or unless the parties have voluntarily appeared before him.

Conciliation a condition precedent to certain suits for \$25.

2. In each municipality, the local council may, at any time, select by resolution one or more residents of the locality to fulfil the functions of conciliators under this act.

Appointment of conciliators.

The conciliators so appointed by the council shall, if they accept the duty, take the oath of office and shall in every respect be deemed municipal officers in virtue of and according to the requirements of the Municipal Code.

Oath &c.

3. In addition to such official conciliators, the following shall be *de jure* conciliators in each local municipality :

Certain persons to be *de jure* conciliators.

(a) Priests, Roman Catholic *curés*, provided no one can be summoned to appear before one of such conciliators if he be not of his religious denomination ;

(b) Justices of the peace ;

(c) The mayor of the municipality.

2. The official conciliators who have been sworn, so long as they occupy the position, justices of the peace, and mayors, are obliged to act as conciliators whenever called upon.

4. The following are relieved from conciliation as a condition precedent :

Demands not subject to conciliation as a condition precedent.

1. Demands affecting municipal corporations, school commissioners or trustees, *fabriques*, minors, interdicted persons, or curators to vacant estates ;

2. Demands requiring promptness or which are accompanied by provisional remedies ;

3. Demands in intervention or in warranty ;

4. Demands based on notes, bous or written acknowledgements or commercial matters generally ;

5. Demands for *main levée* of seizures, oppositions, demands for payment of rent, or farm rent, or arrears of rents or life-rents ; those in execution of a judgment ;

6. Demands in which the domiciles of the interested parties are not within the limits of the same municipality ;

7. Demands brought against more than two parties even if they have the same interest ;

8. Demands for improbations, against a garnishee and for seizures generally.

Costs if defendant fails to appear before conciliator.

5. The defendant who fails to appear before the conciliator shall, unless he has valid reasons, be liable for all the costs of the suit which may afterwards be brought against him, even if the plaintiff's action be dismissed.

Notice to appear before conciliator.

6. Saving the above provisions, the defendant shall be summoned before one of the conciliators of his locality by means of a simple notice clearly setting forth the object of the conciliation, according to form A of this act or any other form of like tenor.

Jurisdiction of village and town conciliators.

When a territory is detached from a rural municipality to be erected into a village or town municipality, the conciliators of the village or town municipality, have jurisdiction over the rural municipality concurrently with the conciliators of the latter municipality.

Effect of summons in conciliation upon prescription.

7. The summons for conciliation shall interrupt prescription and cause interest to run, provided the action be instituted within the month following the date of the non-appearance or refusal to accept conciliation.

Service of notice.

8. The service of the notice shall be effected at the diligence of the plaintiff by any literate person competent to give evidence before a court of justice.

When and how to be effected.

Such service shall be made between seven in the morning and nine in the evening, even on non-judicial days, by giving a duplicate or a copy of the notice to the person to whom it is addressed, either by leaving such duplicate or copy with himself or with a reasonable member of his family, or with one of his employees at his place of business.

Oath in lieu of return.

9. The declaration under oath of the person who has served the notice shall avail in lieu of the return of service; such declaration is required only in case of future contestation as to the fact of such service.

Delay on summons.

10. The delay for the summons shall be at least three days.

Appearance in person or by proxy.

11. On the day and at the hour indicated, or at any time if by mutual consent, the parties shall appear in person or by proxy before the conciliator who signed the notice or before any other conciliator who may be present.

Form of proxy.

The power of attorney may be under private seal.

Minute, if parties agree.

12. If the conciliator succeeds in getting the parties to agree, he shall draw up a minute of the agreement according to form B annexed to this act or any other form of like tenor.

Such minute shall be drawn up in duplicate, one of which shall be left with each party, and shall, as far as practicable, be signed by such party.

How to be drawn.

In the case of non-conciliation, either through want of agreement or through the absence of one of the parties, a minute shall likewise be drawn up according to form C of this act or any other form of like tenor.

Minute, in case parties do not agree, &c.

Such minute shall be deposited in the office of the secretary-treasurer of the council to be delivered in duplicate when necessary.

Deposit thereof.

13. All declarations of the parties before the conciliator shall be of a privileged nature. They cannot be used as evidence in the case if the attempt at conciliation be followed by a suit.

Declarations to be privileged.

14. The conciliator, before whom the matter is brought either by voluntary appearance of the parties or in consequence of a notice, shall have power to swear any person whose evidence may appear to be necessary and who may consent to give evidence before him.

Power of conciliator to swear parties and witnesses.

15. This act shall not apply in cities and towns incorporated by special charter nor in any other locality not governed by the Municipal Code.

Application of act.

16. Whenever a conciliator has acted as such, he shall, subject to the penalties imposed by article 9 of the Municipal Code, so inform the secretary-treasurer of the municipal council, who will take note thereof among his archives, so as to be able, under the same penalties, to furnish when necessary statistics upon the working of this act.

Conciliator to notify secretary-treasurer of his having acted.

17. All services rendered by conciliators under this act shall be gratuitous.

Services gratuitous.

FORM A

ACT RESPECTING CONCILIATION

Municipality of _____, county of _____

To

Mr. (name, occupation and domicile of debtor);

Mr. (name, occupation and domicile of creditor)

claims from you the sum of (*amount*) for (*grounds of claim*), and as he wishes to avoid the annoyance of a lawsuit he has requested me to act as conciliator between you.

You are therefore requested to appear before me or any other conciliator who may be present at my residence, at the hour the 18 ,

Made in duplicate at this 18 ,

C. D.

Conciliator,

FORM B

ACT RESPECTING CONCILIATION

These presents witness that (*name and description of the parties*) have this day appeared before me and have settled their differences as follows (*set forth nature of agreement*) ; accordingly I have drawn up the present minute and have signed the same.

The parties have also signed the same first duly read.

Made in duplicate at this 18 .

C. D.

Conciliator.

FORM C

ACT RESPECTING CONCILIATION

These presents witness that (*name and description of the parties*) summoned before me for conciliation have been unable to come to an agreement (*state whether one of the parties has not appeared*).

Accordingly I have drawn up the present minute and signed the same.

Made in duplicate at this 18

C. D.

Conciliator.
