

6. After the deposit of such roll, the Lieutenant-Governor in Council may, by proclamation, declare the day on which the same shall come into force under the name of "*The Code of Civil Procedure of the Province of Quebec.*"

Code to be brought into force by proclamation.

7. References in the codes, statutes, regulations, orders in council, proclamations or other documents whatsoever to the Code of Civil Procedure of Lower Canada, or to any provision of such code, shall, after the coming into force of the Code of Civil Procedure of the Province of Quebec, be deemed to be references to the latter code, or to the provisions of such latter code, which replace the provisions of the Code of Civil Procedure of Lower Canada, which are referred to.

References in codes, statutes, &c., to Code of Civil Procedure of Lower Canada, after coming into force of Code of Civil Procedure of the Province of Quebec.

8. The laws relating to the distribution of the statutes shall not apply to the Code, which shall be distributed in such manner and on such conditions as the Lieutenant-Governor in Council may direct.

How Code to be distributed.

9. This act, together with the proclamation mentioned in section 6, shall be printed with the Code.

Act and proclamation to be printed with Code.

10. All provisions of law inconsistent with this act are repealed.

Inconsistent enactments repealed.

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

Coming into force.

CAP. XLIX.

An Act to amend the Revised Statutes.

[Assented to 9th January, 1897.]

WHEREAS the changes made in the Code of Civil Procedure by the Commission charged with its revision under the act 57 Victoria, chapter 9, render necessary certain amendments to the Revised Statutes:

Preamble.

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

1. Article 36 of the Revised Statutes, as amended by the act 56 Victoria, chapter 11, section 1, is again amended:

R. S., 36, amended.

(a.) By inserting, in the third line of paragraph 11, after the word: "Canada," the words: "but the words: 'Code of Civil Procedure,' whenever used in a statute adopted after the coming into force of the Code of Civil Procedure of the Province of Quebec, refer to the latter Code.

(b.) By adding, at the end of subsection (f) of paragraph 23, the words : " or as Labour Day."

R. S., 2295,
replaced.

2. Article 2295 of the said Revised Statutes is replaced by the following :

Jurisdiction
in appeal of
court.

" **2295.** The court and the judges thereof have an appellate civil jurisdiction, throughout the Province, over all causes, matters or things appealed from all courts wherefrom an appeal by law lies, unless such appeal is expressly directed to be to some other court."

R. S., 2296,
amended.

3. Article 2296 of the said Revised Statutes is amended by striking out the words : " and error," in the first line thereof.

R. S., 2302 and
2303, repealed.

4. Articles 2302 and 2303 of the said Revised Statutes are repealed.

R. S., 2329,
amended.

5. Article 2329 of the said Revised Statutes is amended by inserting, in the first line thereof, after the word : " courts," the words : " circuit judges."

R. S., 2517,
replaced.

6. Article 2517 of the said Revised Statutes is replaced by the following :

Jurisdiction of
District Mag-
istrate's
Court.

" **2517.** The jurisdiction of the District Magistrate's Court in civil matters is regulated by the Code of Civil Procedure."

R. S., 2518,
repealed.

7. Article 2518 of the said Revised Statutes is repealed.

R. S., 2521,
replaced.

8. Article 2521 of the said Revised Statutes is replaced by the following :

Procedure be-
fore District
Magistrate's
Court.

" **2521.** Procedure in civil matters before the District Magistrate's Court is regulated by the Code of Civil Procedure."

R. S., 2522 to
2525, 2528 to
2530, repeal-
ed.

9. Articles 2522, 2523, 2524, 2525, 2528, 2529 and 2530 of the said Revised Statutes are repealed.

R. S., 2621,
amended.

10. Article 2621 of the said Revised Statutes, as amended by the act 58 Victoria, chapter 31, section 7, is again amended as follows :

(a.) By replacing, the words : " and of the Superior Court," in the second line of paragraph 4, by the words : " of the Superior Court and of the Circuit Court."

(b.) By inserting, before the word : " Cashiers," in the first line of paragraph 10, the words : " Managers or."

(c.) By substituting for the word : " sixty," in paragraph 19, the words : " sixty-five."

(d.) By replacing paragraph 20 by the following :

“ 20. Members of the councils and of the boards of arbitration of the Montreal Board of Trade, of the Quebec Board of Trade, and of the *Chambre de Commerce de Montréal*.” Certain persons exempt from serving as jurors.

11. Article 2938 of the said Revised Statutes is repealed. R. S., 2938, repealed.

12. Article 5498 of the said Revised Statutes is repealed. R. S., 5498, repealed.

13. The following section is added after section second of chapter first of the first part of the twelfth title of the said Revised Statutes : Section added after R. S. 5502.

“ SECTION III.

PROVISIONS IN CONNECTION WITH CHAPTER SIXTH OF TITLE FIFTH OF BOOK FIRST.

OF THE RESPECTIVE RIGHTS AND DUTIES OF HUSBAND AND WIFE.

(Articles 173 and following.)

MARRIED WOMEN SEPARATE AS TO PROPERTY ENGAGED IN COMMERCE.

“ **5502a.** No married woman, separate as to property, can carry on trade until she has delivered to the prothonotary of the district and to the registrar of the county, in which she intends to carry on trade, a declaration in writing stating her intention, her name and surname and those of her husband, and the style in which she proposes carrying on such business. This declaration is entered and transcribed in the same registers as declarations concerning partnerships mentioned in articles 5635 and following of these Revised Statutes. Declaration to be filed by married woman, separate as to property, before she can carry on trade, &c.

Any married woman, separate as to property and carrying on trade, who fails to comply with the requirements of this article is liable to a penalty of two hundred dollars, which may be recovered before any court of competent civil jurisdiction, by any person suing as well in his own name as on behalf of the Crown, and one half of such penalty belongs to the prosecutor and the other half to the Crown, unless the suit be brought in the name of the Crown only, in which case it is entitled to the whole of the penalty.” Penalty for not filing same and recovery thereof.

14. The following articles are inserted in the said Revised Statutes after article 5727 : Arts. added after R. S. 5727.

“OF CERTAIN SALES HAVING THE EFFECT OF SHERIFF’S
SALES.

(Articles 711 and following.)

Effect of sales of immoveables by liquidators. “**5727a.** The sale of immoveables made by liquidators, in virtue of section 31 of chapter 129 of the Revised Statutes of Canada, and followed by the formalities hereinafter mentioned, has the effect of a sheriff’s sale.

Deposit of deed with liquidator. “**5727b.** A copy of the deed of sale and the certificate from the registrar, prepared in the manner prescribed for the certificate required in cases of a sale of immoveables by the sheriff, must be deposited with the liquidator.

Notice of deposit. “**5727c.** Notice of such deposit, with mention of the names of those who possessed the immoveable during the last three years, must be given during one month in the *Quebec Official Gazette*, and be read and posted up at the place and in the manner prescribed for the posting of notices in matters of confirmation of title, on the second Sunday preceding the delays for bidding hereinafter mentioned.

Right of creditors to outbid. “**5727d.** During the fifteen days following the last insertion of the notice in the *Quebec Official Gazette*, any creditor of the company in liquidation, and any person having hypothecary or real rights upon the immoveable sold, have the right to offer an increase over the purchase-price mentioned in the deed of sale, provided such increase be at least one tenth of the whole price, and that the bidder offers besides to refund to the purchaser his costs and lawful disbursements, and gives him for that purpose security in the ordinary manner, or deposits a sum sufficient for that purpose in the discretion of the court or judge, reserving the subsequent completion of the precise amount.

Further outbidding. “**5727e.** Any other creditors of the company, and any other persons having hypothecary or real rights upon the immoveable sold, may, in like manner, and under the same conditions, outbid upon the first increase, and may continue outbidding each other, provided that such subsequent increased bid be not less than one twentieth of the purchase-price, over and above the costs and lawful expenses.

Right of purchaser to retain, &c. “**5727f.** The purchaser may, however, keep and retain the immoveable at the amount of the highest bid offered.”

R. S., 5729, repealed. **15.** Article 5729 of the said Revised Statutes is repealed.

Coming into force. **16.** This act shall come into force on the day which the

Lieutenant-Governor in Council may be pleased to fix by proclamation.

C A P. L.

An Act to amend the Civil Code.

[Assented to 9th January, 1897.]

WHEREAS the changes made in the Code of Civil Procedure by the Commission charged with its revision under the act 57 Victoria, chapter 9, render necessary certain amendments to the Civil Code ;

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

1. Subsection 6 of paragraph 14 of article 17 of the Civil Code, as contained in article 5775 of the Revised Statutes, is amended by adding thereto the words : "or as Labour Day."

Preamble.

C. C., 17, § 14, amended.

2. Article 29 of the said Code is repealed.

C. C., 29, repealed.

3. The following chapter is added after chapter sixth of title second of book first of the said code :

Chapter added after C. C., 78.

"CHAPTER VII.

"OF REPLACING REGISTERS OF CIVIL STATUS WHICH HAVE BEEN LOST OR DESTROYED.

"**78a.** Whenever registers of civil status have been lost or destroyed, in whole or in part, the officer charged with keeping them may, upon a resolution of the *fabrique*, trustees, or religious community interested, establishing such loss or destruction, obtain from the prothonotary of the district, in whose office such registers are deposited, a copy of the whole or of any part thereof, on payment of six cents for each certificate of baptism or of burial, and of eighteen cents for each certificate of marriage.

Loss of registers of civil status.

"**78b.** The registers and books necessary for making such copies are furnished by the *fabrique*, trustees, or religious community interested, and must be numbered and initialed in the manner prescribed by the Code of Civil Procedure.

Registers by whom furnished.

"**78c.** Such copy of the registers must be a *fac simile* of the sole existing duplicate.

Copies to be fac-similes of originals.