

Upon the order of the judge, the stenographer attached to a district must act as such in the circuits within such district. His duty in circuits.

Travelling expenses incurred by stenographers in the cases provided for by this section, shall be paid in the manner determined by the Attorney-General. Allowance in such case.

7. The Lieutenant-Governor in Council may make, modify and replace tariffs of fees for the taking down by stenography of depositions and other proceedings, as well as for their transcription, and may make all necessary rules for securing the payment and the collection of such fees. Tariff of fees for stenographers.

Except in the case of stenographers who receive no salary, such fees belong to the Crown. Fees to belong to Crown, &c.

8. Salaries of stenographers, and expenses contingent upon the execution of this act, shall be paid out of the Consolidated Revenue Fund of the Province. Salaries, &c., how paid.

9. This Act shall come into force on the day fixed for that purpose by proclamation of the Lieutenant-Governor in Council. Coming into force.

CAP. LII.

An Act to abolish the continuation of community, to create legal usufruct in certain cases, and for that purpose to amend articles 1323 to 1337, inclusively, of the Civil Code.

[Assented to 9th January, 1897.]

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

1. Articles from 1323 to 1337, both inclusively, of the Civil Code, are repealed and replaced by the following : C. C., 1323 to 1337, replaced.

" 1323. After the dissolution of the community by death and in the absence of any will to the contrary, the surviving consort has the enjoyment of the property of the community coming to their children from the deceased consort; such usufruct lasts as to each child until he is of the age of eighteen years or until he is emancipated. Usufruct of surviving consorts and term thereof.

" 1324. The obligations incurred by this enjoyment are : Obligations of usufructuary.

1. Those to which usufructuaries are held ;
2. The food, maintenance and education of the children, according to their fortune ;

3. The payment of arrears or interest on capital ;
4. The funeral expenses and those of the last illness of the predeceased consort.

Usufruct ceases in certain event.

“**1325.** This enjoyment ceases in the event of a second marriage.

To what property it does not extend.

“**1326.** It does not extend to the property given or bequeathed upon the express condition that the father and mother shall not enjoy it.

Delay to make inventory.

“**1327.** Within the three months next after the decease of one of the consorts, the survivor is obliged to make an inventory of the common property and effects.

How to be made.

“**1328.** The inventory must be authentic, be made in the presence of a person qualified to contest, and be judicially closed within three months after its completion.

Delay to make may be enlarged.

“**1329.** The survivor, upon petition presented to a judge of the Superior Court within the delay fixed by article 1327, may, in the discretion of the judge, obtain an enlargement of the said delay.

Enjoyment of usufruct lost if no inventory.

“**1330.** The want of an inventory within the delay mentioned causes the surviving consort to lose the enjoyment of the revenue of his minor children.

Subrogate tutor liable in damages if he does not compel survivor to make inventory.

“**1331.** The subrogate tutor, who has not compelled the survivor to make an inventory within the delays, is jointly and severally responsible with him for all the condemnations that may be pronounced in favor of the minors.

Power of subrogate tutor to demand that usufruct do cease in certain event.

“**1332.** The subrogate tutor may demand that the usufruct by the surviving consort do cease if the latter does not fulfill the above obligations resulting from his usufruct.

Power of relatives in default of subrogate tutor.

In default of the subrogate tutor so demanding that the usufruct do cease, any relation of the minor to the degree of cousin german inclusive, may demand the appointment of a tutor *ad hoc* for the purpose of prosecuting such demand.”

Pending cases not affected.

2. This act shall not affect pending cases.

Coming into force.

3. This act shall come into force on the day which shall be fixed by proclamation of the Lieutenant-Governor in Council.