

Quebec, is amended by substituting for the word "fifteen," in the second line of the second clause thereof, the word "thirty."

Id. art. 1998
amended.

2. Article 1998 of the said Code, as contained in article 5827 of the said Revised Statutes, is amended by substituting for the word "fifteen," in the second line of the last clause, the word "thirty."

Coming into
force.

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

C A P. X L.

An Act to amend article 5814 of the Revised Statutes of the Province of Quebec, respecting the sale of debts and rights of action.

[Assented to 30th December, 1890.]

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

Civil Code,
art. 1571a
amended.

1. Article 1571a of the Civil Code, as added by article 5814 of the Revised Statutes of the Province of Quebec, is amended by replacing the last paragraph thereof by the following :

Delivery of
copy how
effected.

"The delivery of a copy of the deed of sale, required by article 1571, may be effected by leaving such copy for the debtor in the hands of the prothonotary of the district in which the debt was contracted or of the district in which the action may be brought."

Coming into
force.

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

C A P. X L I.

An Act to amend certain provisions of the Code of Civil Procedure and of the Revised Statutes.

[Assented to 30th December, 1890.]

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

1. Article 1 of the Code of Civil Procedure, as it is contained in article 5853 of the Revised Statutes of the Province of Quebec, as amended by the act 53 Victoria, chapter 61, is amended by replacing at the end of the third paragraph the following words; "from day to day during the term" by the following words: "to a subsequent day during the term, or, upon the order of the judge, to any other day, out of term, which the judge may fix", and by adding at the end of the said article the following paragraphs:

"Judgment may, however, be rendered by the prothonotary of the Superior Court and the clerk of the Circuit Court, between the thirtieth of June and the first of September, in summary matters, if the defendant is in default to appear or to plead, by following the procedure indicated by articles 91 to 98 inclusively as to the method of obtaining judgment.

However, in such cases, no default to plead shall be registered against the defendant who shall have appeared, if he files with his appearance a deposition sworn to by him or another person having a personal knowledge of the facts and affirming that, to the best of deponent's knowledge, the defendant has a good defence and that such appearance is not filed for the purpose of unduly delaying the proceedings but that it is filed in good faith."

2. Article 772a of the said Code, as replaced by the act 53 Victoria, chapter 60, section 1, is amended by adding after the words "by any party interested," in the sixteenth line thereof, the words "or by the curator, at the expense of the estate, if he is so instructed by the majority of the inspectors."

3. Article 823 of the said Code is replaced by the following:

"823. If the court or judge orders the defendant to be discharged, the plaintiff may obtain a suspension of the order by declaring immediately that he intends to have the decision reviewed, and depositing, before the expiration of the next following juridical day, the amount required by article 497.

He may likewise appeal from the judgment in review, if he declares immediately his intention of doing so, by filing an inscription in appeal before the expiration of the next following day from the rendering of the judgment in review, and gives security as provided for other appeals.

If the plaintiff fails to comply with these formalities, the defendant is discharged."

C. C. P. art.
887 and R. S.
Q., art. 5977
amended.

Lessors and
lessees.

4. Article 887 of the said Code, as it is contained in article 5977 of the said Revised Statutes, is amended by replacing the first paragraph by the following :

" 1. Actions arising from the relation of lessor and lessee."

C. C. P. art.
1030 replaced.

5. Article 1030 of the said Code is replaced by the following :

Service of
peremptory
writ.

" **1030.** The peremptory writ is served upon the defendant by leaving a certified copy thereof with him or at his domicile, or, if he has no domicile and cannot be found in the Province, in the manner to be prescribed by a judge of the Superior Court.

Return of service and filing
of original
writ.

A return of such service must be made by the bailiff upon the original of the writ, which original must be filed in the office of the prothonotary."

C. C. P. art.
1033 replaced.

6. Article 1033 of the said Code is replaced by the following :

Appeals to
Court of
Queen's
Bench.
Exception.

Proviso.

" **1033.** An appeal from any final judgment rendered under the provisions contained in this chapter, lies to the Court of Queen's Bench, except in matters relating to municipal corporations and offices; provided the inscription in appeal be filed within forty days from the rendering of the judgment appealed from."

C. C. P. art.
1037 replaced.

7. Article 1037 of the said Code is replaced by the following :

Appeal from
final judgment.

" **1037.** An appeal lies from the final judgment rendered upon such information, provided the inscription in appeal is filed within forty days from the rendering of the judgment."

C. C. P. art.
1092 repealed.

8. Article 1092 of the said Code is repealed.

C. C. P. art.
1113 replaced.

9. Article 1113 of the said Code is replaced by the following :

Appeal to
Court of
Queen's
Bench.

Security.

" **1113.** An appeal lies from such judgment to the Court of Queen's Bench in the same manner as appeals from judgments of the Superior Court; nevertheless the security must be by two sureties upon real property to the value of two hundred dollars each."

Coming into
force.

10. This act shall come into force on the first day of September next, and shall not affect cases then pending.