

CAP. XLV.

An Act to amend the law of evidence.

[Assented to 30th December, 1890.]

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

1. The following paragraph is added to article 1232 of the Civil Code of Lower Canada. C. C. art. 1232 amended.

“Notwithstanding that which precedes, any party to a suit may give testimony on his own behalf in every matter of a commercial nature ; but his credibility may be affected thereby.” Party may give testimony on his own behalf.

2. The following clauses are added to article 251 of the Code of Civil Procedure : C. C. P. art. 251 amended.

“Any party to a suit may give testimony on his own behalf in every matter of a commercial nature, and, in such case, be examined, cross-examined, and treated as any other witness.” Party may give evidence in his own behalf.

He may also be subpoenaed and treated as a witness by the opposite party, and, in such latter case, his answers may be used as a commencement of proof in writing. May be treated as witness by opposite party, &c.

The default by a party to tender his own evidence can not be construed against him.” Default to tender evidence.

3. This act shall not affect cases pending at the time of its sanction. Pending cases

CAP. XLVI.

An Act to amend the law respecting proofs taken by stenography.

[Assented to 30th December, 1890.]

WHEREAS, to obviate the delays, expense and inconvenience resulting from the actual system of taking evidence, it is urgent that the method of taking proofs by stenography, followed in the districts of Quebec, Montreal, Three Rivers, St. Francis and Arthabaska, be applied to certain other districts ; Preamble.

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

1. The first paragraph of article 320a of the Code of Civil Procedure, as added by article 5888 of the Revised R. S. Q. art. 5888 and C. C. P. art. 320a amended.

Statutes of the Province of Quebec, is amended by adding after the words "St. Francis" the words "Bedford, Rimouski, Richelieu, St. Hyacinth, Beauharnois, Iberville, Ottawa, Kamouraska, Terrebonne."

Id. further amended.

2. The second paragraph of the said article 320a above mentioned is amended by adding thereto the following paragraphs :

Appointment of stenographers, if district not a section of the Bar.

"2a. In case any judicial district does not of itself constitute a separate section of the Bar, the official stenographers for such district shall be appointed by the committee of management of the library association of the district, or, if such association does not exist therein, by a committee of three members chosen among themselves by the advocates of the district at a meeting, convened by the prothonotary upon the request of one of them.

Tariff may be made.

2b. The committee of management of the library association, or the committee appointed by the Bar, as the case may be, is authorized to make a tariff for the costs of stenography, and the stenographers are paid according to such tariff in such delay as may have been agreed to between them and the parties.

Payment of stenographers.

C A P. XLVII.

An Act to amend article 1019 of the Code of Civil Procedure.

[Assented to 20th December, 1890.]

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

C. C. P. art. 1019 amended.

1. Article 1019 of the Code of Civil Procedure is hereby amended by striking out the words "to the Receiver General of the Province," and inserting the following in their stead: "to the Provincial Treasurer, to whom the prothonotary must transmit a copy of such judgment, within one month."
