

party seized upon *pro rata* to the amount of their respective claims saving the case of privileges.

Garnishees  
duty on  
making de-  
claration.

The garnishee shall, on making his declaration, deposit the sum which he owes, and if the defendant continues in his service, such garnishee shall renew his declaration every month and deposit it in court.

If he neglects to make his declaration, he may be thereto compelled by a judge's order.

If the defendant quits his service, the garnishee shall make a declaration thereof.

The moneys seized and paid remain in the hands of the prothonotary or clerk who pays them over to the plaintiff and the other creditors on their demand, three days after they are deposited if there are no oppositions.

Declaration  
how con-  
tested.

The declaration of the garnishee much be made without costs except travelling expenses, if there be any, and it may be contested in the ordinary manner.

Art. 556, s. 5,  
amended.

**4.** Paragraph 5 of article 556 of the said Code as amended by the act 45 Vict., chap. 34 is amended by adding of the end thereof the following words : " provided that such exemption may not be claimed by other than agriculturists or farmers who use such effects exclusively for agricultural purposes. "

Proviso.

44-45 V., c. 18,  
repealed.

**5.** The act 44-45 Victoria, chapter 18, is repealed.

Act not retro-  
active.

**6.** This act shall have no retroactive effect ; all debts contracted before the passing of this act may be recoverable by way of seizure as if this act had not been passed.

Coming into  
force.

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

## C A P . X X V .

An Act to amend article 1325 of the Code of Civil Procedure.

[Assented to 12th July, 1888.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

C. C. P. 1325,  
replaced.

**1.** Article 1325 of the Code of Civil Procedure is replaced by the following :

Power to sell  
immoveables  
and shares in  
industrial and  
financial com-  
panies.

" 1325. He may sell the immoveables and the shares or stocks in industrial or financial companies by observing the formalities provided by law for voluntary licitations,

on the advice of the parties interested at a meeting convened for that purpose in the manner prescribed by the judge.

Such sale cannot take place respecting immoveables Proviso. except with the consent of all the hypothecary creditors."

## C A P . X X V I .

An Act respecting procedure in certain commercial and other matters requiring despatch.

[Assented to 12th July, 1888.]

**W**HEREAS a specially short and simple procedure is urgently needed for the despatch of cases arising from ordinary commercial transactions, as well as for the trial of various other suits of daily occurrence requiring despatch; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** Chapter first of title second of book second of the second part of the Code of Civil Procedure is repealed, except for the district of Gaspé, and replaced by the following for the other portions of the Province. C. C. P., B. II, T. II, chap. I, replaced, except for district of Gaspé.

### CHAPTER FIRST.

#### SUMMARY MATTERS.

**887.** The following are deemed to be summary matters and tried as such according to the rules set forth in this chapter. What are deemed summary matters.

1. Actions to annul or to rescind a lease, or to recover damages resulting from the contravention of any of the stipulations of the lease or the non-fulfilment of any of the obligations which the law attaches to it or arising from the relation of lessee and lessor; Actions arising out of leases, &c.

2. Actions founded on bills of exchange, notes to order or bearer, cheques or orders for payment, *bons* or acknowledgments of debt; Actions on bills of exchange, &c.

3. Claims of traders for the price and value of goods or articles sold in the ordinary course of their commercial operations; Claims for goods sold and delivered.

4. Claims for salary or wages of clerks, employees, workmen, laborers or servants, payable by the day, week or month, as well as claims that may arise from the relations between the latter and their masters; Claims for wages, &c.

5. Claims for board and lodging by hotel and boarding-house keepers; Claims for board and lodging.