

SCHEDULE.

The delay, above granted by the act 44-45 Vict., chap. 16 for the enregistration of the customary dowers and servitudes therein mentioned, is, in virtue of the act 46 Vict., chap. 25 extended to the first day of May, 1884.

CAP. XXVI.

An Act to amend the Code of Civil Procedure.

[Assented to 30th March, 1883.]

Preamble.

WHEREAS it is expedient to amend the Code of Civil Procedure, so as to accelerate the decision of cases and to diminish costs; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Every juridical day a term day.
Exception.

1. Every juridical day shall be deemed to be a term day, except for the trial of cases in which the principal demand is inscribed :

1. For proof only ;
2. For proof and hearing.

Days already fixed.

The days, already fixed in any district for proof or proof and hearing, shall remain set apart for the same object, except that these days may be, from time to time, changed, according to the manner now by law established.

Application of section.

This section applies to cases in the Superior and Circuit Courts.

Trial of contested cases.

2. All contested cases, inscribed for proof and final hearing, either in the Superior Court or in the Circuit Court, appealable, shall be tried in the presence and under the direction of the Court, and evidence in all such cases shall be taken by official stenographers, who shall be appointed by the Councils of Sections of the Bar, upon the report of a committee of examiners appointed by such council.

Evidence to be taken by official stenographers.

Their number and remuneration.

The councils of sections shall have power to fix the number and remuneration of such stenographers.

Stenographers officers of courts and payment hereof.

The official stenographers shall be officers of the Court, and shall be paid from a fund provided by means of fees, to be exacted from the party producing the evidence.

The amount of such fees shall be determined by each section, so as to provide the amount strictly required to pay such fees. Amount of fees.

This fund, so created, shall be the property of the sections, to which it appertains. Property in fund.

The stenographers shall furnish the Prothonotary or clerk of the Court with at least ten copies from a Remington type writer, which copies shall be preserved for use in appeal. Copies to be furnished by stenographers.

3. The two preceding sections shall apply at once to the districts of Montreal, Quebec, Three-Rivers, St. Francis, and Richelieu, and shall be extended to other districts by order of the Lieutenant Governor in Council, upon the request of the majority of the advocates, practising and residing in the district. Application of preceding sections to certain districts.

4. Every party condemned by default to appear or to plead, may proceed against the judgment, whether rendered in term or in vacation, by opposition, according to articles 484 and following of the Code of Civil Procedure; but no opposition shall be allowed in such case, unless the party condemned produces an affidavit that such party has a good defence to the action, which defence shall be set out in the opposition, and unless such party has been prevented from filing his defence by surprise, fraud, or for other causes, which shall be, by the judge, considered just and sufficient. Opposition by parties condemned by default. Affidavit required.

5. It shall be lawful for the Lieutenant Governor in Council to appoint, from time to time, by proclamation, one or more additional terms of the Court of Queen's Bench, sitting in appeal, to be holden at such place and during such time as may be determined by such proclamation. Additional terms of Court of Queen's Bench, appeal side.

6. Every appeal from interlocutory judgments shall be inscribed by the clerk of the court, and heard by privilege, in a summary manner, without any reasons of appeal or factums. Appeal from interlocutory judgments.

7. The articles of the Code of Procedure, inconsistent with this act, are modified accordingly. Inconsistent articles of C.C. P., modified.

8. This act shall come into force on the first day of September next. Act in force.