

1. Article 997 of the code of civil procedure, is amended, by adding thereto the following words : " and in such case the special information must mention the names of the person who has solicited the Attorney General to take such legal proceedings and of the person who has become security for costs." Art. 997, C.C.
P. amended.

CAP. XIV.

An act to provide for the issue of the Writ of Injunction in certain cases, and to regulate the procedure in relation thereto.

[Assented to 9th March, 1878.]

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

1. The superior court, in term, or any judge thereof, in vacation or during term, may grant a writ of injunction, ordering the suspension of any act, proceeding, operation, work of construction or demolition, according to the circumstances, in any of the cases following : Case in which writ may be issued :

1. Whenever any corporation, unlawfully and without having fulfilled the formalities set forth and prescribed by law or the act of incorporation thereof, takes possession, or on its own behalf causes possession to be taken, of any land the property of other persons, or makes or causes to be made on any land the property of other persons, excavations or works of demolition or construction ; or whenever such corporation acts or takes any proceeding, beyond its power, or without having fulfilled the formalities prescribed by law, or the act of incorporation thereof ; Whenever a corporation, trespasses or acts beyond its powers ;

2. Whenever any person, who has not acquired the possession of one year, and who has no valid title to the property, causes work to be carried on, upon any land whereof another is proprietor through a valid title, and of which he is in lawful possession ; If any person works on another's land ;

3. Whenever any person does anything in breach of any written contract or written agreement ; Does anything in breach of a written contract ;

4. To prevent the transfer of shares in any corporation or company, when such shares belong to minors, interdicted persons, married women not separated as to property, or unauthorized, or persons legally incapacitated, or when the ownership of such share is in dispute, until the superior court or a judge thereof shall have To prevent the transfer of shares belonging to incapacitated persons ;

adjudicated on the right of property in such shares or stock, or shall have granted permission for the transfer of such shares ;

To prevent member of partnership from doing acts inconsistent;

5. To prevent one or more members of a partnership firm, either during the existence of the partnership or after its dissolution, from doing acts inconsistent with the terms of the partnership agreement, or with the duties of a partner. And this provision shall apply to persons being or holding themselves out as being representatives of a deceased partner ;

Trespasses on the crown's property.

6. To prevent any person or corporation from trespassing on the property of the crown, or from destroying, cutting, or removing any property belonging to the crown or in which the crown has any right or interest.

Petition ; deposition ; titles.

2. The application for the writ of injunction shall be made by petition, supported by one or more affidavits setting forth the facts of the case, and accompanied by such documentary evidence as may be necessary to establish the petitioner's right to the satisfaction of the court or of a judge thereof, and the proceedings thereon shall be in conformity with articles 998 to 1006 inclusively and with article 1023 of the code of civil procedure.

Procedure.

Notice, when required.

3. Except in cases of urgent necessity, the court or a judge thereof may, in their discretion, order that notice of the presentation of such petition be served upon the adverse party, in the time and manner the said court or judge shall see fit to order.

Security, previously given.

4. Nevertheless the writ of injunction shall not issue, unless the person applying therefor first gives good and sufficient security, in the manner prescribed by and to the satisfaction of the court or a judge thereof, in the sum of six hundred dollars, or any other higher sum fixed by the said court or judge, for the costs and damages, which the defendant, or the person against whom the writ of injunction is directed, may suffer by reason of the issue thereof.

Its increase.

Upon the return of the writ, the court or a judge thereof may order that such security shall be increased to such amount as it may be deemed expedient.

Injunctions contained in the writ,

5. The writ of injunction enjoins the adverse party to appear before the court or a judge thereof to answer the petition, and to suspend all acts, proceedings, operations or works respecting the matters in dispute under pain of all legal penalties.

6. The writ of injunction is served in the same manner as any other writ of summons ; but if found necessary, the court or judge may prescribe any other mode of service.

Service thereof.

7. Proceedings commenced before the court in term may be continued before a judge in vacation or even during term and, in like manner, proceedings commenced before a judge in vacation may be continued before the court in term or before any judge in chambers even during term.

Continuation of proceedings before another judge, etc.

2. In order to avoid doubt it is hereby declared and enacted that in any proceeding commenced under this act, any judge of the superior court shall, at every stage of such proceeding, have the same power to act therein as the judge before whom such proceeding was commenced.

8. An injunction may, in any of the cases mentioned in section one of this act, be granted incidentally upon petition, without the formality of a writ, in a cause pending before the superior court, either by the court or by a judge in chambers, even during term, upon security being given as herein before provided for ; and the procedure shall be thereafter conducted to judgment on the incidental proceeding in the same manner as on a writ of injunction.

Injunction granted incidentally in pending cases.

2. And in any proceeding instituted under this act, any additional injunction that may be deemed necessary by the court or a judge thereof may, upon petition, after due notice, be granted by an interlocutory order, for such length of time and upon such conditions, as to security or otherwise, as the court or judge may deem reasonable. And such additional injunction, as well as the injunctions contained in the original writ, may, from time to time, be suspended as the court or judge may deem necessary, and for such period and upon such conditions, as to security or otherwise, as the court or judge may deem reasonable, and may afterwards, from time to time, be renewed upon such conditions, as to security and otherwise, as by the court or judge may be deemed right.

Additional injunction may be granted.

The court or judge may suspend or renew injunctions.

9. Any judgment, rendered by a judge out of court under this act, shall be subject to review and appeal in the same manner and to the same extent that it would have been subject to appeal or review, if rendered by the court in term.

Review and appeal.

10. Any final judgment under this act taken into review or appeal and any interlocutory or provisional

Judgment provisionally executed not-

withstanding
review or
appeal.

Injunction
provisionally
suspended.

Costs; service
of judgment.

Refusal to
obey the
injunctions.

De-struction
of works.

Imprison-
ment.

If it be a cor-
poration or
company.

Recourse for
damages.

Investment
of fines.

Act in force;
pending
cases.

order under this act from which an appeal shall be allowed by the court of Queen's Bench, shall be executed and in force provisionally, notwithstanding and without prejudice to such appeal or review; but the superior court, in review, or the court of appeals, as the case may be, may in their discretion provisionally suspend the injunction.

11. The judgment, if in favor of the petitioner, pronounces the injunctions required, adjudicates as to costs, and must be served upon the adverse party.

12. If a party against whom the injunction is directed, violate or refuse to obey the injunctions laid upon him either by the writ or by any interlocutory or final judgment, the court or a judge thereof may cause to be destroyed whatever may have been done in contravention to the injunction, if it be practicable;—also the court or a judge thereof may punish the party contravening by an imprisonment not exceeding thirty days but which may be repeatedly inflicted until the party obeys the mandate of the court or judge.

2. If the party violating the injunction be a company or corporation, such company or corporation may be condemned to pay a fine not exceeding two thousand dollars, but which may be repeatedly inflicted until they obey the mandate of the court or judge.

3. The party aggrieved by the disobedience of such person, company or corporation may also recover from the party or parties disobeying, such damages as he may show that he has sustained.

13. All fines imposed under and in virtue of the provisions of this act shall be the property of the crown and shall form part of the consolidated revenue fund of the Province.

14. This act shall come into force on the day of the sanction thereof; but it shall not affect any pending cases.

C A P. X V.

An act to provide for the giving notice of sheriff's sales to hypothecary creditors.

[Assented to 9th March, 1878]

Preamble.

WHEREAS it would tend to increase the security afforded by hypothecs that notice of advertised sheriff's sales should be given to hypothecary creditors;