

C A P . I X .

An Act to amend article 69 of the Code of Civil Procedure, relating to the service on certain Defendants.

[Assented to 23rd February, 1875.]

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

1. Article 69 of the Code of Civil Procedure of Lower Canada, is amended so to read as follows : Art. 69, C. C. P., amended.

“69. Nevertheless and without prejudice to the mode of summons mentioned in the preceding article, when a defendant, having property in the province of Quebec, has no longer, or has never had any domicile therein, or when the cause of action arose in the province of Quebec and the defendant resides in the dominion of Canada, the judge, or the prothonotary, upon proof of the fact by affidavit or otherwise, may grant leave to serve the writ of summons at the domicile of the defendant, and such leave is endorsed in writing by him upon the writ, which may then be served by any bailiff of a court of superior jurisdiction in the place in which the service is to be made, or any literate person, either of whom makes an affidavit of service, sworn to before any justice of the peace, having jurisdiction in the place where the service was made, or before a commissioner of the superior court, for the province of Quebec, or by any bailiff of the superior court for the province of Quebec.”

2. This act shall come into force on the day of the sanction thereof. Coming into force of this act.

C A P . X .

An Act to amend the law respecting Civil Procedure, in the Superior and Circuits Courts, respecting the mode of rendering judgment and of adjourning the Court.

[Assented to 23rd February, 1875.]

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

1. At any time, when a judge who has heard a cause in the superior or in the circuit courts, is incapable, on account of illness, absence or other cause, of rendering judgment in person, he may transmit the draft of the judgment, certified by him, to the prothonotary or to the clerk, as the case Mode of rendering judgment in the Judge's absence.

may be, with instruction to enregister such judgment and to read it, or to give communication of it on demand to the parties or their attorneys *ad litem*, on the day previously fixed for that purpose by the court which shall have taken the cause *en délibéré*.

The prothonotary or the clerk, on receiving the draft of judgment and the instructions accompanying it, is obliged to conform to such instructions; and the judgment so enregistered, shall have the same effect as if it had been rendered by the judge, during the sitting of the court.

Interpretation. 2. The provisions of the preceding section shall take effect notwithstanding article 1080 of the code of civil procedure, section 1 of the act of this province, 32 Vict., chap. 20, and any other provision of the law, and without prejudice to such article, section, or provision of law.

Adjournment in the absence of the judge. 3. In the absence of the judge who should preside over the superior or the circuit court, the prothonotary or clerk, as the case may be, may adjourn the court from day to day during the term.

C A P. X I.

An Act to amend the law respecting the qualification of Jurors in the County of Bonaventure.

[Assented to 23rd February, 1875.]

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

Jurors in Bonaventure. 1. Sections two and three of the act of this province, 32 Vict., chap. 22, in so far as they have reference to the value of property requisite for the qualification of grand and petit jurors, shall not apply to the county of Bonaventure; but in such county the value shall be as follows :

Grand jurors. 1. For grand jurors, if proprietors, a total assessed value of over one thousand dollars, and, if occupants or lessees, a total assessed annual value of over one hundred dollars ;

Petit jurors. 2. For petit jurors, if proprietors, a total assessed value of at least four hundred dollars, but not over one thousand dollars, and, if occupants or lessees, an assessed annual value of at least forty dollars, but not over one hundred dollars.

Coming into force of this act. 2. This act shall come into force on the day of the sanction thereof.