

CAP. XII.

An Act to amend the law respecting the jurisdiction of three Judges of the Superior Court in Review.

[Assented to 24th December, 1872.]

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

Party upon whom notice of inscription for review has been served may declare that he does not waive his right of appeal to the court of Q. B.

1. In any case inscribed for review before three judges it shall be lawful to any party, other than the party so inscribing such cause, within eight days from the service upon him of a notice of such inscription, to file in the office of the prothonotary, a declaration that he does not waive his right to appeal to the court of Queen's bench, in the event of the judgment of the court of review being unfavorable to him. The party making such declaration shall cause a certified copy thereof to be served, within the delay last mentioned, upon the party so inscribing the said cause, and such declaration so filed and served shall preserve, to the party making it, his right to appeal to the court of Queen's bench, in like manner as if this statute had not been passed.

Adverse party may then discontinue review and go into appeal.

2. When the party who so inscribed the said cause for review shall have been so notified as aforesaid of the filing of such declaration, he shall be at liberty, within eight days from the service of the said notice upon him, to discontinue his proceedings in the court of review, on payment of costs to the amount of ten dollars, and to withdraw the sum by him deposited, and he shall have a right to appeal to the court of Queen's bench, in like manner as if he had not so inscribed the said case.

If he continue in review he shall lose his right of appeal to Q. B.

Party failing to make declaration as above shall not appeal.

3. If, notwithstanding the filing of such declaration and notice thereof as aforesaid, the party so inscribing continue his proceedings in review, he shall not have a right to appeal from the judgment of the court of review to the court of Queen's bench, nor shall any other party in such case have a right to appeal from the judgment of the court of review therein to the court of Queen's bench, if he have failed to make and serve a declaration such as aforesaid, and within the delay aforesaid.

Cases over \$500 not to go before court of review.

4. No case shall be susceptible of being inscribed for review, if being a personal action, the amount claimed exceed five hundred dollars, or if, being a real or mixed action, it be not alleged that the matter in controversy does not exceed in value five hundred dollars, and if that allegation be

1.1.46

1.2.46

1.3.46

1.4.46

1.5.46

1.6.46

