

houses available to enlarge the said offices, and thereby facilitate public access to the said plans and books of reference ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Lieut.-Gov. in council may order the building or purchase of registry offices in Quebec and Montreal.

1. The lieutenant-governor in council may order the construction, within the limits of the cities of Quebec or Montreal, as the case may be, of a building or edifice to avail as a registry office for either or both of the registration divisions of Quebec or Montreal, and may also order the purchase, or lease, or the use of a building or edifice suitable for the purpose aforesaid.

Transfer of office to be declared by proclamation,

2. When the lieutenant-governor is convinced, that a fire-proof vault, for the purpose of containing in safety the books and papers of the registry office, has been constructed to his satisfaction or exists within the said building or edifice and that the said building or edifice is prepared for the reception of the said registry office, the said lieutenant-governor in council, may declare by proclamation, that the registry office of the registration division of Quebec or Montreal, as the case may be, shall be transferred and kept in such edifice or building, either permanently or temporarily, from the day which shall be appointed in the said proclamation.

C A P . X I .

Act to amend the law relating to the Recorder's Court of the City of Quebec.

[Assented to 24th December, 1870.]

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

Summoning of persons indebted to the city within the limits of the province.

1. The Recorder's Court of the city of Quebec may summon to appear before it any person residing within the limits of the province of Quebec, who may be indebted to the corporation of the said city for assessments, taxes or municipal dues of whatsoever nature ;

Delay of summons ;

2. When the defendant resides outside the limits of the said city, the delay between the day of service and that of the return of the writ of summons before the said court, shall be one day for every fifteen miles distance between the domicile of the defendant and the said city. The fraction of a mile shall not be computed ;

By whom served ;

3. If the defendant resides within the limits of the district of Quebec, the service may be made by any bailiff of the said court or of the superior court ;

4. When the defendant resides outside the limits of the district of Quebec, but within the limits of the said province, the service of the writ of summons shall be made by the sheriff or a bailiff of the superior court of the district in which the defendant is so resident.

2. The articles 2, 3, 4, 5, 7, 8, 10, 11, 18, 24, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 79, 80, and the articles from 615 to 631, inclusively, of the code of civil procedure of Lower Canada, shall apply, *mutatis mutandis*, as the case may be, to the recorder of the said city, and to the said recorder's court. Certain articles of the code of procedure applicable to the Recorder's Court.

2. The delay of summons in the case of seizure by garnishment after judgment (*saisie arrêt après jugement*) shall be the same as that in ordinary civil actions issued by the recorder's court.

3. The said recorder's court shall also have summary jurisdiction in cases of lease, use and occupation of stalls, markets, cattle stands or other immovable property of the said corporation for the recovery of the rent or of the sum due to the said corporation for the use and occupation thereof, and in every other case where in law the lessor or proprietor has a right to demand the resiliation of the lease or the ejectment of the tenant or occupant, in conformity with the provisions of article 1624 of the civil code of Lower Canada. Jurisdiction of the said court relative to leases of city property.

2. And the said court and the said recorder shall have and exercise for this purpose, all the powers and jurisdiction granted in this respect by law to the superior or circuit courts or to the judges thereof. Power of the said court in this respect.

4. The section forty-nine of the act twenty-ninth and thirtieth Victoria, chapter fifty-seven, is repealed, and the sub-sections two, three and four of the act twenty-fourth Victoria, chapter twenty-six, are hereby revived, but the said sub-section three is amended by adding after the words "in case of sickness or absence" the words "or of lawful recusation." Repeal of sec. 49 of 29 and 30 Vic., c. 57.

5. The said recorder's court shall have power to grant fees to the advocates or counsel practising before it in every civil suit, in all cases where complaint has been made or proceeding taken by a private individual either in his own name or in the name of the said corporation. The said court may also make a tariff of the said fees, subject nevertheless to the approval of the lieutenant-governor in council. Advocates' fees.

6. In every prosecution for fine or penalty instituted as mentioned in the preceding section, the said court may in its discretion, if such prosecution be dismissed, condemn such private prosecutor to pay all the costs incurred in such prosecution, and in default of payment, order that he be imprisoned for a term not exceeding one month, unless the said costs and costs of imprisonment be sooner paid. Payment of costs by prosecutor in certain cases.