

CAP. XLVII.

An Act to remove doubts concerning section 2 of the Act 51-52 Victoria, chapter 116, respecting "The Royal Electric Company."

[Assented to 21st March, 1889.]

WHEREAS, by an act of the Legislature of Quebec, 51-52 Preamble. Victoria, chapter 116, "The Royal Electric Company" was authorized to borrow one hundred and fifty thousand dollars for the purpose of developing its undertaking and increasing its plant, and for that purpose to issue debentures on the security of its immoveable property, its machinery and plant; whereas by section 2 it is doubtful what is the true intention of the said statute, and whereas it is just and expedient to remove such doubts;

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

1. Section 2 of the Act 51-52 Victoria, chapter 116, is 51-52 V., c. 116, s. 2 amended. amended by replacing the first paragraph thereof by the following:

"As security for the payment of such debentures, the directors of the company are hereby authorized to grant Directors authorized to grant mortgage as security for debentures. a mortgage, by notarial deed, to one or more trustees in favor of the holders of such debentures, upon the immoveable property of the company, describing it as required by article 2042 of the Civil Code, and mentioning the issue and the amount of the debentures secured thereby; and such debentures shall further be a To be a preferential charge upon machinery, &c. preferential charge upon the machinery and plant of the such company."

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

CAP. XLVIII.

An Act to amend the Civil Code of Lower Canada.

[Assented to 21st March, 1889.]

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

1. Article 85 of the Civil Code is amended by adding C. C., art. 85 amended. thereto the following paragraph:

Indication of place of payment.

“ 2. The indication of a place of payment in any note or writing, wherever it is dated, is equivalent to such election of domicile at the place so indicated.”

C A P. X L I X.

An Act to amend article 483*a* of the Code of Civil Procedure, added by article 5905 of the Revised Statutes of the Province of Quebec, respecting the revision of judgments.

[Assented to 21st March, 1889.]

Preamble.

WHEREAS the judicial interpretation given to the act of this Province 46 Victoria, chapter 26, section 4, now article 5905 of the Revised Statutes of the Province of Quebec, restricts the application of that section to a particular class of cases, and whereas it is desirable that all cases in which judgment has been rendered by default or *ex parte* should be subject to the same provisions; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

C. C. P., 483*a* added by R. S. Q., art. 5905 replaced.

1. Article 483*a* of the Code of Civil Procedure, added by article 5905 of the Revised Statutes of the Province of Quebec is replaced by the following:

Right to proceed against certain judgments by opposition.

“ **483*a*.** In all cases whatever, and not only in those in which the judgment may have been rendered in virtue of articles 89, 90, 91 and 92 of this Code, any party condemned by default to appear or to plead may proceed against the judgment, whether rendered in term or in vacation, by opposition made and filed according to articles 484 and following; but no such opposition is allowed, unless the party condemned produces an affidavit that such party has a good defence to the action, which defence must be set out in the opposition, and unless such party has been prevented from filing his defence by surprise, fraud, or other cause considered just and sufficient by the judge, without whose order no such opposition shall have any effect nor shall it be received by the prothonotary.”

Conditions upon which same may be allowed.

Order required before opposition to be received.