

Prothonotary or Clerk of the Court may order, in term or in vacation, upon motion made to that effect, payment of the moneys levied to the parties entitled thereto, and shall order any surplus to be paid over to the Defendant or party from whom the moneys were levied.

And the House having continued to sit until after two o'clock on Wednesday morning;

### Wednesday, 9th May, 1860.

The Honorable Mr. Attorney General *Cartier* moved, seconded by the Honorable Mr. *Allyn*, that the following proposed clauses be inserted after Clause 36, and do form part of the Bill :—

37. Any party in the Superior Court, or in the Circuit Court in appealable cases, entitled to file an answer or reply, shall be bound to file the same within the delay prescribed by law, but shall be foreclosed from filing the same by the mere lapse of the delay, without being entitled to a demand of such answer or reply; and in the case of no answer or reply being filed within the delay prescribed by law, issue shall be deemed joined by the proceedings already filed.

38. Every witness in any contested case in the Superior Court, and in every contested appealable case in the Circuit Court, shall be examined in the presence of a Judge of such Court, and such Judge shall be bound to take down himself, in writing, notes of the material parts of the evidence given by such witness, and of any objections insisted upon by any party and the adjudication thereon, whenever any party to such case shall, either verbally or in writing, require him so to do;—and a fair copy of such notes shall be made out by the Prothonotary or Clerk of the Court, and after being certified by the Judge, shall be filed of record in the cause, and shall, in case of appeal from the final judgment pronounced in any such suit or action, be transmitted to the Court of Appeals, as forming part of such record, and shall be considered for the purposes of such appeal, as forming a true record of the evidence adduced, and of all other proceedings mentioned therein.

39. Notwithstanding any provision contained in Article Two of Title 20 of the Ordinance of 1667, or in any other Law, oral evidence shall be admissible in all matters in which the sum or value shall not exceed twenty-five dollars, but this provision shall not have the effect of restricting the proof by witnesses of any matters or of any fact in cases in which it is now admissible, when the sum or the value of the thing demanded exceeds twenty-five dollars.

40. The statement of facts (*articulation de faits*) required by the provisions of the *Lower Canada* Judicature Act of 1857, shall be divided into distinct and separate items or articles, each of which shall be regularly numbered in succession, shall be submitted as categorically as interrogatories *sur faits et articles*, and shall be in such an explicit interrogative form as to provoke an admission or denegation, and in so clear a manner as to afford an admission of the fact or facts, if the party does not answer.

41. The fifty-fourth section of An Act "further to amend the Judicature Acts of *Lower Canada*" (22 Vic., 1858, cap 5) shall extend and apply to Writs of Execution for the seizure and sale of moveable property in a District other than that in which the Writ of Execution shall issue, and any such seizure and sale may be made by any Baliff of the Superior Court for the District in which such Writ of Execution shall issue, or by the Sheriff of such District, subject, however, to the provisions and restrictions of the above section, and every Writ so executed shall be returned into the Court at the place where the same shall have issued, according to the exigency of such Writ and to Law, and such Writ so returned shall be received, and the certificate of due service or execution shall be as authentic as if such Writ had been served or executed in the District from which it shall have issued; and the said section and the provisions of this section shall extend and apply to Writs of *saisie arrêt* before or after judgment, and their service and execution, whenever the parties, or any of them, to any such Writ reside in a District other than that in which any such Writ shall issue.

42. If any order, rule, notice or proceeding emanating from the Superior or Circuit