

that the programme submitted to the lieutenant-governor, or prescribed by him, has not been efficiently followed.

Moved by the Hon. George Irvine, Q.C., seconded by Mr. Pagnuelo, Q.C., and

Resolved, That this Council renews the opinions which it has already unanimously expressed on February 2nd, 1883, and May 26th, 1883, that the need for reform in the administration of justice becomes more and more urgent, and that the importance, the extent and the difficulty of preparing a good scheme of procedure requires the appointment of a commission composed of a judge and two practising advocates, who will consult the local councils, the general council and the judges, and will prepare an elaborate scheme accompanied by a statement of motives.

Moved by Hon. R. Lafamme, Q.C., seconded by Mr. Wm. White, Q.C., and unanimously

Resolved, That while reiterating the opinion of the necessity of a complete consolidation and reform of the Code of Civil Procedure by a duly constituted commission, this council suggests to the Hon. Attorney-General that certain amendments to the act of last session and of the said code urgently require the attention of the Provincial Legislature at the present session, and that these should be immediately enacted in substance and to the effect following:—That 46 Victoria, chapter 26, be amended by substituting the following words for clause 1, Every judicial day shall be reputed to be a term day for the enquete and hearing of cases, in the Superior Court as in the Circuit Court, whether they are inscribed for enquete only or for enquete and hearing; at the same time, nevertheless, in districts other than those of Montreal and Quebec, the Superior Court shall not sit on the days for holding the Circuit Court in that district; the Circuit Court and the Superior Court for cases inscribed for enquete and hearing shall sit only during the days now fixed as term days for those courts respectively, or which shall be so fixed hereafter according to the mode established by law. 2. That paragraph 3 of section 2 be repealed and the following substituted: The official stenographers shall be officers of the Court and paid fees by the party producing the witness. The judge may give judgment without waiting for the notes of evidence to be copied. Nothing in this act shall be interpreted as affecting the provisions of the Code of Procedure with regard to the vacation of July and August, nor as binding the Court to sit between December 23rd and January 9th. 3. Article 1054 of the code of civil procedure as amended by the Act of 34 Vict., chap. 4, is amended by

striking out the words "except in the districts of Quebec and Montreal," and by substituting in the place thereof the words "except in the districts of Quebec, Montreal, Saint Francis and Three Rivers." It is, however, declared that the Circuit Court in the districts of St. Francis and Three Rivers other than that sitting at the cities of Three Rivers and Sherbrooke shall continue to have the same jurisdiction in appealable suits as heretofore. Every appealable cause in the Circuit Court sitting at the cities of Sherbrooke and Three Rivers, commenced before the coming into force of this act and wherein final judgment shall not have been rendered, shall cease to be within the jurisdiction of the Circuit Court, and all proceedings, orders and judgments in every such case shall be taken, made and rendered in the Superior Court, and the books, archives and records of the Circuit Court relative to every such case shall belong and be transmitted to the Superior Court immediately after the coming into force of this act. Notwithstanding anything mentioned in the Act cap. 26, 46 Vic., the powers and jurisdiction conferred upon prothonotaries and clerks of Circuit Courts under articles 89, 90, 91, 92 and 93 of the Code of Civil Procedure are hereby continued and declared to be and to have always been in full force, and the powers conferred by said articles upon prothonotaries of the Superior Court and clerks of the Circuit Court, may be exercised by them during the terms of the Superior Court and Circuit Court as in vacation, and the said Superior and Circuit Courts shall have power to render judgments in such cases upon plaintiff's affidavit. That every insolvent trader may be required by one or several creditors for a total sum of \$200, to make an assignment of his effects for the benefit of his creditors; such insolvent debtor will be obliged to assign his effects to the clerk of the Superior Court of the district where he resides, in conformity with the dispositions of articles 763, 764, 765 of the Code of Civil Procedure. Every insolvent may make such assignment voluntarily in the same manner. Every interested party may then ask the judge to call a meeting of the creditors, and the judge is to call such meeting with little delay, in such way as he deems proper, to appoint a curator for the effects of the said debtor. Articles 770 to 779 inclusive apply to the present Act; except that the words "*sous cautionnement*" be omitted from 773. Article 776 is amended by adding: every debtor arrested on a *capias*, who omits to make assignment and to produce the statement required by Articles 763 and 764 is submitted to the same penalties. Every debtor who has assigned his goods, as above, is submitted to the summary jurisdiction of the judge and of the court, on pain of contempt of court.