

An Act to expedite the proceedings in suits arising out of Commercial Matters.

WHEREAS the Civil procedure of the tribunals of Lower Canada, from the delays which it necessitates, is not suited to actions of a mercantile nature brought before the Courts of Justice, and is productive of results prejudicial to the interests of Commerce; And whereas it is expedient to modify the said procedure as regards such actions: Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The provisions of the several Acts of Judicature now in force in Lower Canada regulating the Civil Procedure followed in ordinary matters in relation to the delay in the institution, the entry, and trial of actions, and the joining of issue therein, the execution of judgments, and the appeals therefrom in certain cases, and other incidents of procedure, are hereby repealed as regards commercial matters now brought or hereafter to be brought before the Superior Court and the Circuit Court for Lower Canada, in so far as the said provisions are inconsistent with those of this Act.

Certain Acts contrary to this Act repealed as regards commercial matters.

II. The provisions and delays hereinafter mentioned shall be followed in commercial matters now brought or hereafter to be brought before the Superior Court and before the Circuit Court for Lower Canada, in all appealable cases brought before the last mentioned Court.

Certain provision in respect of commercial actions.

III. The delay between the service and the return shall be two whole days, with a further delay for every fifteen leagues of the distance from the domicile of the defendant to the seat of the Court, if the service be made at his domicile; but any distance less than fifteen leagues shall be considered as fifteen leagues, and shall give the defendant one day's additional delay for the first fifteen leagues, and so on.

Delay between service and return.

IV. In all actions for the recovery of debts, the declaration shall contain a summons to the defendant to acknowledge or deny the debt; and if on the day of return he shall not appear, or if he shall appear, and shall not deny the debt in and by his act of appearance, it shall be taken as acknowledged, and judgment shall be rendered thereon accordingly.

Defendant to be summoned by declaration to any debt.

V. When the defendant shall have denied the debt in and by his act of appearance, he shall be allowed two days to answer unto the demand, and if at the expiration of such two days he shall not have done so, the plaintiff shall be allowed to proceed *ex parte*. It shall not be necessary to call upon the defendant to plead nor to place him *en demeure*, and an act of foreclosure shall be equivalent to a motion to proceed *ex parte*.

In case of denial of debt, two days allowed to answer the demand.