

same time on any day in term, without giving notice to the defendant or opposite party.

Defendant  
may confess  
judgment,  
under sects.  
83 and 84 of  
20 V. c. 44.

Proviso.

XXXV. If in any such case returned in vacation, the defendant desires to confess judgment, he may do so in the manner and to the effect provided as to appealable cases in the Circuit Court by the eighty-third and eighty-fourth sections of the Lower Canada Judicature Act of 1849; Provided that in non-appealable cases returned in term, the defendant may confess judgment orally in open Court in the manner and to the effect provided by the said sections of the said Act of 1849.

Fees and costs  
in such cases.

XXXVI. Any tariff of fees and costs made before or after the passing of this Act, for non-appealable cases in which pleadings in writing have been ordered by the Court, shall apply to contested non appealable cases returned in vacation, in any Circuit where such tariff is in force.

### *Magdalen Islands.*

Every day a  
return day.

XXXVII. For any case over which the Circuit Court in the Circuit of the Magdalen Islands has jurisdiction, every day in term or in vacation, not being a Sunday or Holiday, shall be a return day.

Proceedings in  
non-appeal-  
able cases re-  
turnable in  
vacation :—

And in other  
cases so re-  
turnable.

But if return-  
able in term,  
s. 127 of 20  
V. c. 44, to  
apply.

XXXVIII. In any non-appealable case in the said last mentioned Circuit made returnable in vacation, the mode of proceeding shall be as hereinabove provided with respect to non-appealable case returnable in vacation; and in any other or appealable case over which the Circuit Court has jurisdiction in the said Circuit, the proceedings shall, if such case be returned in vacation, be the same as in an appealable case in Circuit Court in any other Circuit, returned in vacation;—but if such case be returned in term, the mode of proceeding therein shall be as provided by the one hundred and twenty-seventh section of the Lower Canada Judicature Act of 1857, in so far as the provisions of that section are not inconsistent with this Act.

In appeals  
from judg-  
ments by de-  
fault, s. 129 of  
20 V. c. 44, to  
apply.

XXXIX. In any case in which an appeal may lie from a judgment by default, recorded by the Clerk of the Circuit of the Magdalen Islands, under the provision hereinafter made as to certain classes of cases,—the proceedings in appeal shall be as provided by the one hundred and twenty-ninth section of the said Lower Canada Judicature Act of 1857, with respect to appeals from judgments rendered by the Circuit Court in the Circuit of the Magdalen Islands,—except that the first day on which the case in appeal from any judgment so recorded by default may be heard in the Court of Queen's Bench, shall be the juridical day in term next after the expiration of ninety days from the end of the delay allowed to file an opposition (as hereinbefore provided), to such judgment, if such delay expires on or after the

Exceptions.