

any case in which a jury trial shall be prayed for before the *enquête*, in which case the hearing in law may be had.

XXX. Nothing in this Act contained shall deprive parties of the benefit of peremptory exceptions to the form or of any other preliminary exception which shall be produced, proceeded and adjudged upon according to the rules, in the manner and subject to the conditions in force in ordinary cases; and further they shall be subject to the delays of contestation and joining issue above established as well as enjoy the right of precedence, and be subject to the restrictions contained in this Act, relative to the hearing on the merits thereof; except that one day's notice of the inscription on the merits shall be a sufficient delay, and that in the event of the exception being dismissed, the delays for pleading to the action shall be computed from the day of the judgment dismissing the action.

Preliminary exceptions may be proceeded with as heretofore.

XXXI. In all commercial matters not being simple actions for the recovery of debts, but constituting actions generally known as *special actions*, the rules and delays above prescribed shall be followed, with the difference that the declaration shall not contain a summons to the defendant to acknowledge or deny the demand; that the defendant on appearing, shall not be required to make a declaration in that respect; and that the defence and answer in law, shall at the option of one or of all the parties entitled to a hearing in law before proceeding with the *enquête*, in which case the delays of inscription on the roll *de droit* shall be the same as in ordinary matters.

Above rules to apply to *special actions*.

XXXII. In computing the delays established by this Act, no fractions of days shall be taken.

Computation of delays.

XXXIII. Except as regards delays for summonses, the months of July and August shall not contain any juridical days; and during these months no delay of procedure shall be computed.

July and August to contain no juridical days.

XXXIV. Nothing in this Act contained shall deprive the Courts of Justice of their discretionary power to relieve a party in default from the consequences of such default, at any stage of the proceedings until final judgment; nor to extend the delays of contestation and proceedings, on sufficient cause being shewn.

Discretion of Court in respect of parties in default maintained.

XXXV. As regards the several Circuits of Lower Canada, with the exception of the Courts held at Montreal, Quebec, Three Rivers, Sherbrooke, Alymer, Kamouraska and St. Hyacinth, this Act shall only come into force on the last juridical day of the term next after the day hereinafter fixed for its going into operation, and it shall be lawful for the Circuit judges in their respective Districts, at any time before the last juridical day of such term, to make such rules of practice as they shall deem expedient for altering, modifying and increasing the several delays of procedure established by this Act for all the said Circuits or any of them; the said rules of practice shall be promulgated during the said term: if, however, during the said term the said Judges or any of them should think proper to postpone the promulgation of such rules of practice until the following term, they shall have power so to do, and in such case the operation of this Act as regards the said Circuits shall be suspended until such promulgation.

Time of application of this Act to Circuits in L. Canada.

XXXVI. All cases for which no express provision is made by this Act, shall remain subject to the rules of procedure in force in ordinary matters.

Cases unprovided for by this Act.