

witnesses in civil matters, to depose in favor of or against them, notwithstanding the eleventh article of the twenty-second title (*enquêtes*) of the Ordinance of 1667, which shall be expressly repealed, inasmuch as it regards degrees of relationship only; but notwithstanding the competency of any relation within the degree of first cousin (*cousin germain*) to give evidence, such evidence may have its weight with the Judge, according as he may deem the witness entitled to credibility; and any person who may be challenged as a witness on the ground of being interested, may give evidence in Courts of Justice, but the evidence of such witness shall have its weight with the Judge, according as he may be deemed entitled to credibility.

52. The degree of relationship or affinity of first cousin (*cousin germain*) existing between any Judge of the Court of Queen's Bench or of the Superior Court, and any of the parties to any action, shall not be a ground for recusation.

53. No distribution of the moneys seized in the hands of a third party, belonging to an insolvent person, or of the proceeds of the sale of his effects, when such insolvency shall have been specially alleged by one of the parties, shall be ordered by the Superior Court or the Circuit Court, unless the creditors of the debtor whose effects have been seized shall have been previously called upon, under the authority of the Court, by a notice in the English and French languages, inserted twice in "The Canada Gazette," to file their claims, and every such claim shall be filed in the Court within fifteen days of the date of the first insertion of such notice, and the names, (christian and surname) vocation and residence of the creditor shall be expressed in every such claim, which shall be accompanied by a statement or account with proper vouchers; The above provisions shall apply to any curator, administrator, *héritier*, *bénéficiaire*, or other person who may desire to render an account *en justice* for and to distribute the moneys in his hands, and any such person shall, for such purpose, by petition, come into either of the above Courts, which, according to the jurisdiction appertaining to each, are hereby authorized to entertain and dispose of any such petition, and to take or order any proceedings consequent thereon, and such person shall cause the above notice to be given to the Creditors.

54. Anything contained in any other Act, inconsistent with the provisions of this Act, is hereby repealed, and all the provisions of "An Act further to amend the Judicature Acts of Lower Canada (22 Vic., 1858, cap. 5,) relating to judgments rendered by default, under the eleventh section thereof, to the contestation of them by opposition, and to the appeal from them, and all the other provisions thereof not inconsistent with this Act, shall continue to remain in force.

55. It is hereby declared that any Judge of the Superior Court, in the vacation from the ninth of July to the first of September in every year, has power and jurisdiction to hear and determine any case relating to lessors and lessees under the Act 18 Vic., cap. 108, and any other Act relating to the same matter.

56. It shall be the duty of the Prothonotary or Clerk, to whom application is made for execution on behalf of any witness for the amount of his taxation, to verify whether any previous execution may have issued for such taxation either at the instance of the witness or of any party in the cause; and any new execution which may issue therefor, shall be null and void if the amount shall have been levied or paid to the party, or his attorney, under any previous execution, or on a Bill of costs duly recovered.

57. Any cause or proceeding whatever may be discontinued in any stage thereof and at any time before judgment, even in vacation, but subject to costs in favor of the adverse party.

Such discontinuance may be effected in all cases by a motion filed in the office of the Court, previous notice thereof having been given to the adverse party in the ordinary manner.

The party so discontinuing any cause or proceeding may not again commence it, without having first paid the costs previously incurred.

*Ordered*, That each of the said proposed Clauses be now read a second time.

And the 37th to the 49th of the said proposed Clauses being severally read a second time, were agreed to.

And the 49th proposed Clause being read a second time;