

[No. 34.]

5th Session, 8th Parliament, 29 Victoria, 1866.

BILL.

**An Act respecting the Code of Civil
Procedure of Lower Canada.**

**Received and read first time, Friday, 15th
June, 1866.**

Second reading, Tuesday, 19th June, 1866.

Hon. Mr. Atty. Genl. CARTIER.

Printed by G. E. DESBARATS.

An Act respecting the Code of Civil Procedure of Lower Canada.

WHEREAS the Commissioners appointed under the second Chapter of the Consolidated Statutes for Lower Canada, to codify the Laws of that division of the Province in Civil Matters, have completed that portion of their work mentioned in the said Act as the *Code of Civil Procedure of Lower Canada*, embodying therein such provisions only as they hold to be now actually in force, and giving the authorities on which they believe them to be so, and have suggested such amendments as they think desirable, stating such amendments separately and distinctly, with the reasons on which they are founded ; and have in all respects complied with the requirements of the said Act as regards the said Code and amendments ; and whereas the said Code with the amendments suggested by the said Commissioners, have by command of the Governor been laid before the Legislature in order that the said Code with such amendments as may be adopted by the Legislature, may be made law by enactment ; And whereas such of the amendments suggested by the Commissioners as are mentioned in the resolutions contained in the Schedule hereunto annexed, have been finally agreed to by both Houses : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The printed roll attested as that of the said *Code of Civil Procedure of Lower Canada*, under the signature of His Excellency the Governor General, that of the Clerk of the Legislative Council, and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Council, shall be held to be the original thereof reported by the Commissioners as containing the existing law without amendment ; but the marginal notes, and the references to existing laws or authorities at the foot of the several articles of the said Code, shall form no part thereof, and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected.

Attested printed Roll of the Code of Civil Procedure to be deemed the original.

As to marginal notes.

2. The Commissioners under the Act mentioned in the preamble of this Act, shall incorporate the amendments mentioned in the resolutions contained in the schedule to this Act, with the said Code of Civil Procedure as contained in the roll aforesaid, adapting their form and language (when necessary) to those of the said Code, but without changing their effect, inserting them in their proper places, and striking out of the said Code any part thereof inconsistent with the said amendments.

Amendments to be inserted by Commissioners.

Acts of present Session may be incorporated.

3. The Governor may also select any Acts and parts of Acts passed during the present session, which he may deem it advisable to be incorporated with the said Code, and may cause them to be so incorporated by the said Commissioners, in the manner hereinbefore prescribed with respect to the amendments above mentioned, striking out of the Code or amendments any part thereof inconsistent with the Acts or parts of Acts incorporated therewith. 5

What changes the Commissioners may make.

4. The Commissioners may alter the numbering of the Titles and Articles of the said Code or their order if need be, and 10 make the necessary changes in any reference from one part of the Code to another, and may correct any misprint or error whether of commission or omission, or any contradiction or ambiguity, in the original Roll, but without changing its effect.

Reprinting the Code as finally corrected.

5. So soon as the said work of incorporation and correction 15 shall have been completed, the said Commissioners shall cause the Code to be reprinted as amended and corrected, carefully distinguishing in such reprint the substantive amendments and additions made in or to the original Roll, and shall submit the same to the Governor, who may cause a correct printed Roll 20 thereof, attested under his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Council, which Roll shall be held to be the original thereof; any such marginal notes or references thereon as are mentioned in section one, being held to form no part 25 thereof, but to be inserted for convenience of reference only.

Deposit of attested copy, &c.

6. The Governor in Council may after such deposit of the Roll last mentioned, declare by Proclamation the day on, from and after which the said Code as contained in the said Roll shall come into force and have effect as law, by the designation of "The Code of Civil Procedure of Lower Canada," and upon, from and after such day the said Code shall be in force accordingly. 30

Code to be brought into force by Proclamation.

How to be distributed.

7. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Code, which shall be 35 distributed in such numbers and to such persons only as the Governor in Council may direct.

Act and Proclamation to be printed with it.

8. This Act and the proclamation mentioned in section six, shall be printed with the copies of the said Code printed for distribution as aforesaid. 40

Inconsistent enactments repealed.

9. So much of the Act cited in the Preamble as may be inconsistent with this Act is hereby repealed.