

Draining of
Savanne de
St. Charles
authorized.

2. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may authorize the draining, by means of a proper drainage, of the extent of land in the counties of Levis and Bellechasse called "Savanne de St. Charles", according to such plans and specifications as he may approve.

Acquiring of
lands, etc.,
therefor.

3. When the performance of such work requires the acquisition of lands, of portions of lands, or of real rights, the Lieutenant-Governor in Council may authorize the Minister to acquire such lands, portions of lands, or real rights by mutual consent, exchange or otherwise.

Expropria-
tion author-
ized in certain
case.

4. If, for any reason whatsoever, in the opinion of the Lieutenant-Governor in Council, such lands, portions of lands or real rights cannot be acquired by mutual consent, the Lieutenant-Governor in Council may authorize the Minister to expropriate them in accordance with this act:

Publication.

Such order-in-council shall be published once in the *Quebec Official Gazette*.

Effect of
publication
of order-in-
council.

5. From and after the date of the publication in the *Quebec Official Gazette* of the order-in-council contemplated in section 4,—

a. No recourse based on facts or rights prior to such date, respecting any land or part of land expropriated under this act, may be exercised against such land or part of land, except as to the indemnity agreed upon by the parties or fixed by competent authority, as the case may be;

b. Such lands shall become the absolute property of the Crown and shall be clear from any real rights which may have affected them;

c. In the event of any opposition, resistance or obstacle whatsoever to the full possession of such immovable or the free enjoyment of such right, the Crown may, by such measures as it may deem expedient, cause such opposition or resistance to cease or such obstacle to be removed;

d. This section shall also apply in all cases of acquisitions contemplated by this act, amongst others and without any restriction, in the case of acquisitions by mutual consent or of an arbitration award.

Determining
of indemnity
payable.

6. Whenever the Lieutenant-Governor in Council has authorized the Minister to expropriate a land or a real right, the Government shall cause the indemnity payable

to any claimant to be determined by three arbitrators, appointed in the following manner: one by the Government, a second by the claimant, and a third by the first two arbitrators or, if the latter do not agree, by the Chief Justice of the Province of Quebec, on the request of the Government or of the claimant.

7. If an arbitrator dies or becomes unable to act before the rendering of the arbitration award, or if he refuses or neglects to act within a reasonable delay, which must not exceed three months, he shall be replaced in the manner contemplated by section 6. Replacing of arbitrator.

When one of the parties fails to appoint a new arbitrator within a delay of fifteen days from the receipt of a notice to that effect, the Chief Justice of the Province of Quebec shall appoint one, upon the application of the other party. Id., in certain event.

8. The Lieutenant-Governor in Council shall appoint a person to act as secretary of the arbitrators and fix his remuneration, which shall be paid in conformity with section 23. Appointing, etc., of secretary.

The secretary must take down in writing all the deliberations of the arbitrators, which shall be signed by the latter at the close of each sitting. His duties.

9. The arbitrators may hear the parties and their witnesses, visit the premises and, in general, obtain all information of use to them to enable them to determine the indemnity due to the claimant. Duties of arbitrators.

The procedure for the summoning of witnesses and the hearing shall be the same as that in trial without jury before the Superior Court, and for such purpose the arbitrators shall have all the powers possessed by the Court and by the judge. Summoning of witnesses.

The order summoning witnesses may be signed by the secretary, who may also certify any copy of such order. Signing of order therefor.

10. The arbitrators shall proceed at the time and place fixed by them and whereof they have given at least fifteen days' notice to the interested parties. Giving of certain notice.

11. The arbitrators must, in fixing the amount of the indemnity to be paid, take into consideration the intrinsic value of the lands and of the forest when trees are found thereon. Intrinsic value.

- 12.** The arbitrators, after having proceeded in the manner above described, shall render their award fixing the indemnity payable for the land expropriated.
- 13.** No defect in form shall render the award null.
- 14.** After the award has been pronounced, the secretary of the arbitrators must transmit to the prothonotary of the Superior Court, in the district of Quebec, to be deposited in the archives of such court, the full record of the proceedings with the original of the award.
- 15.** Each party shall bear half of the remuneration of the arbitrators as fixed by the Lieutenant-Governor in Council and their actual travelling expenses as approved by the Attorney-General.
- The costs of witnesses shall be borne respectively by each party who called them.
- Each party shall also bear the costs of exhibits produced by him as documentary evidence and the cost of his attorney or attorneys.
- The other outlays and expenditure caused by the arbitration shall be paid by the Government.
- 16.** An appeal shall lie to the Court of King's Bench from any award rendered under section 12,—
1. on the right to indemnity, in every instance;
 2. on the amount awarded for indemnity, when not under five hundred dollars.
- In every other case, there shall be no appeal from the decision of the arbitrators.
- When there is an appeal as to the right mentioned in sub-paragraph 1, in a case where the award is under five hundred dollars, the Court of King's Bench shall decide only upon the right and cannot revise or change the amount of the award.
- The delays and rules of the Code of Civil Procedure respecting appeals to the Court of King's Bench shall apply to appeals brought under this section.
- There shall be no appeal from the judgment of the Court of King's Bench.
- 17.** At any time after the publication contemplated in section 4, if the Government, through opposition or resistance, cannot take possession of any expropriated land or part of land, it may apply to a judge of the Superior

Court of the district of Quebec for an order addressed to the sheriff or a bailiff of such district to be put in possession. The distraining officer shall employ the necessary assistance for such purpose.

18. The Government effectively carries out any award fixing the indemnity and clears itself as regards any claimant by depositing in the office of the Superior Court of the district of Quebec a certificate, from the Provincial Treasurer, stating that the latter holds at the court's disposal the amount of the indemnity fixed by such award. Carrying out of award.

19. After the deposit of the certificate contemplated in section 18, the prothonotary shall prepare a report of collocation or distribution for the amount deposited. Preparation of report by prothonotary.

For such purpose, the Minister shall obtain from the registrar a certificate in accordance with article 771 of the Code of Civil Procedure, except that the real rights contemplated in the last paragraph of this section must be mentioned therein, notwithstanding the cancellation thereof made under section 5. Obtaining of certificate from registrar.

The provisions of articles 772 to 777 and of articles 790 to 831 of the Code of Civil Procedure shall govern, *mutatis mutandis*, the proceedings subsequent to the deposit of the Provincial Treasurer's certificate contemplated in section 18. Provisions applicable to certain proceedings.

The hypothecary and privileged claims against any expropriated land or part of land shall be retained against the amount of the indemnity fixed for such land or part of land and shall be collocated according to their respective rank in the manner prescribed in the Civil Code. Collocation, etc., of certain claims.

The claim of any person, firm or corporation owning, at the time of the expropriation, an expropriated land or part of land, shall be assimilated for the purposes of this section to the claim of a vendor of an immoveable. Assimilation of certain claim.

20. Within the fifteen days following the final judgment rendered on the distribution or collocation report of the prothonotary, the Provincial Treasurer shall pay the indemnity to the persons entitled thereto under the judgment of distribution. Paying of indemnity.

21. The Lieutenant-Governor in Council may authorize the Minister to enter into, with any person, firm or corporation, any agreement which he deem necessary for the carrying out of this act. Entering into certain agreements authorized.

Obligation
upon certain
owners, etc.

22. The owner or occupant of any immoveable shall be bound to permit access to their property to any person employed in the carrying out of the work contemplated by this act.

Expenditure.

23. The expenditure incurred by the carrying out of this act shall be paid out of the consolidated revenue fund.

Loans
authorized.

The Lieutenant-Governor in Council may, however, order the whole or partial payment of such extraordinary expenditure by means of loans for not more than thirty years and bearing interest at rates not exceeding four per cent per annum.

Coming into
force.

24. This act shall come into force on the day of its sanction.