

Preliminary formalities.

Notice in *Quebec Official Gazette*, &c.

Posting up notice.

Enquiry.

Letters patent to be indisputable title, &c.

Coming into force.

2. The letters patent authorized by this act, shall be issued only after the performance of the following formalities :

a. Notice in the *Quebec Official Gazette* for three consecutive weeks, calling upon all persons interested, to file within three months from the date of the publication of the last notice, with the person or persons therein mentioned, their titles, documents, or other evidence showing their rights to the lands which they claim ;

b. Posting up the notice at the door of the church nearest the land in question, previous to the filing of the documents referred to in the foregoing paragraph.

c. Such enquiry as the Lieutenant-Governor in Council may think proper, into the nature of the possession of the claimant or claimants.

3. The letters patent so granted by the Lieutenant-Governor in Council, shall constitute in favour of the persons therein mentioned, an indisputable title to the lands therein described, but shall in no way affect the dowers, hypothecs, gifts, sales, sales with right of redemption or other charges which may affect the said lands, and the said charges shall continue to affect the said lands and the documents evidencing them shall continue to govern the parties thereto.

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

CHAP. 68

An Act respecting the expropriation of lands required for the development and utilization of certain water-powers

[Assented to 7th May, 1909].

Preamble.

WHEREAS the development and utilization of the falls and waters-powers of the Province is a matter of public utility as they tend to the advancement of industries already established and the creation of new ones by allowing of the utilization of their motive power ;

Whereas certain conditions hinder the development and utilization of such falls and powers and it is important to cause the same to disappear, while at the same time safe-guarding the private interests affected ;

Therefore His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

Owners of

1. Every water-power formed by a lake, pond, watercourse

or river whether floatable or not, belonging to any person, is declared to be a matter of public interest, and the proprietor thereof may proceed to expropriate the adjacent lands so as to allow him to utilize such water-powers in the manner and subject to the conditions mentioned in this act. certain water-powers may expropriate adjoining lands, &c.

2. The following alone shall be subject to expropriation under this act : What may be expropriated.

1. Immoveable property or any part thereof and riparian rights, necessary for the establishment of factories, manufactories and their dependencies and for the construction and maintenance of drains, canals, sluices, pipes and flumes. Immoveables, &c., necessary for factories, &c.

2. Immoveable property or any part thereof, necessary for roads communicating with the most convenient highway as well as for the posts, wires, conduits and apparatus used for the transmission of power, light or heat, subject to the approval of the municipal council of the locality when such posts, wires, conduits and apparatus are placed on a highway. Immoveable property necessary for certain roads, &c.

3. Such expropriation under this act shall not take place except for the benefit of a water-power of an average natural force of at least two hundred horse power, and large enough for industrial purposes, and shall in no case prejudice an industry already established or water-works supplying a municipality wholly or in part. When expropriation to take place.

4. In no case shall any proceedings be had to expropriate any land or part thereof, until a plan prepared by a Quebec land-surveyor, mentioning the land to be expropriated with a sufficient description thereof, has been served by a bailiff upon the proprietor of such land. Service of plan upon person to be expropriated.

5. No expropriation proceedings shall be had unless the Lieutenant-Governor in Council, upon application of one of the parties, notice whereof must be given to the other, has first approved of the area to be expropriated. Approval by L-G in C.

6. The offer of indemnity, the appointment of arbitrators, the proceedings in expropriation, the fixing of the indemnity, and the other formalities, shall be subject to the applicable provisions of the law of the Province relating to railways. Railway expropriation, law to apply.

7. The expropriating party shall not take possession of the property expropriated, until after the award of the arbitrators is rendered and the indemnity paid. When possession to be taken.

8. There shall, at the instance of either party, be an appeal on the facts and on the law, by action in the Superior Court, Appeal, &c.

within thirty days following the service of the award upon either party, and the appeal shall suspend the right to take possession unless the court, upon petition to that effect, and upon the conditions which it thinks proper, otherwise orders.

Coming into
force.

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

CHAP. 69

An Act to amend the Civil Code respecting registers of civil status

[Assented to 27th April, 1909]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

C. C., art. 78j
enacted.

1. The following article is inserted in the Civil Code after article 78*i*, as enacted by the act 62 Victoria, chapter 48, section 1, and amended by the act 4 Edward VII, chapter 40, section 2.

Copy of
duplicate of
register of
civil status
lost, &c.

“ **78j.** Whenever the duplicate of a register of civil status, deposited in the office of the court, is lost or destroyed wholly or in part, the Lieutenant-Governor in Council may authorize a competent person, to make in a register paged, initialled and authenticated as required by article 1311 of the Code of Civil Procedure, an exact copy of the existing duplicate, and the official who has charge of such duplicate shall place it at the disposal of the person authorized to make such copy.

Certificate
that copy is
correct.

Such person after having carefully compared the copy he has made, with the original, shall place at the end of such copy a certificate under oath taken before the prothonotary, that it has been compared and found correct.

Copy to serve
as original.

The copy so certified, shall be deposited and remain in the office of the court, and shall have the same effect as an original register.”

Coming into
force.

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