

## C H A P. 43

## An Act to amend the Code of Civil Procedure

[Assented to 9th March, 1906]

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

Art. added to C. C. P., after 135.

Proceedings affecting immoveable property of certain deceased persons, how carried on.

**1.** The following article is inserted in the Code of Civil Procedure, after article 135:

“**135a.** When the succession of a person opens outside of the Province, any real action relating to his estate may be taken against the heirs collectively who have not registered, within the three months, the conveyance by will or transmission by succession of such property, as required by article 2098 of the Civil Code.

Service is made upon the order of a judge of the district in which the property is situated, ordering such heirs to appear within one month from the last publication of a synopsis thereof in French and English in a newspaper in such district.

If the heirs do not appear, proceedings are continued as in cases by default, and no service of the judgment is necessary.”

## C H A P. 44

## An Act to amend the Municipal Code

[Assented to 9th March, 1906]

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

Art. added to M. C., after 32.

Erection &c., of municipalities.

**1.** The following article is inserted in the Municipal Code after article 32:

“**32a.** The county council may, in the same manner, divide a parish municipality into two municipalities, erect into a municipality a part of two or more parishes, and detach part of a parish municipality and annex it to another parish municipality.”

Id., 246, amended.

**2.** Article 246 of the said Code is amended by adding thereto the following clause:

"In the event of the absence or inability to act of any mayor of a local municipality, the pro-mayor appointed under article 345 may represent such local municipality at any meetings of the county council."

Pro-mayor may represent local municipality in county council.

**3.** The following article is inserted in the said Code after article 476a, as contained in article 6096 of the Revised Statutes:

Article added to id., after 476a.

"**476b.** To order that no wall or fence over a certain height shall be erected along municipal roads or within forty feet of such roads."

Height of fences.

**4.** Article 535 of the said Code, as contained in article 6115 of the Revised Statutes, is amended by adding, after the words: "roads or bridges," in the first line, the words: "or all or any other bridges including those mentioned in article 883."

Id., 535, amended.

**5.** The following article is added after article 615c of the said Code, as enacted by the act 53 Victoria, chapter 64, section 1:

Art. added to id., after 615c.

"**615d.** To exercise the powers conferred upon town and village councils, by articles 638 and 639, respecting lighting."

Powers respecting lighting.

**6.** Article 773 of the said Code is amended by adding thereto the following clause:

Id., 773, amended.

"It shall, however, be lawful for the council to enact, by by-law, that such works shall be performed at the expense of the municipality or of a part thereof."

Power of council as to works.

**7.** Article 802 of the said Code is amended by adding the following words, at the end of paragraph 8 thereof: "or they may be performed by the day under the direction of the officer having the supervision of the works."

Id., 802, § 8, amended.

**8.** Article 892 of the said Code is amended by adding thereto the following words: "or by the day under the direction of the road or rural inspector having jurisdiction."

Id., 892, amended.

**9.** Article 893 of the said Code is amended by inserting, before the word: "On," in the first line, the words: "In case the works are performed by contract."

Id., 893, amended.

**10.** Article 1064 of the said Code, as contained in article 6220 of the Revised Statutes, is amended by striking out the word: "juridical", in the second line thereof.

Id., 1064, amended.