

C H A P. 26

An Act to amend the law respecting town corporations

[Assented to 28th March, 1901]

HIS MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Arts. added
after R. S.,
4514.

Appeal to
Circuit Court
or magis-
trate's court :

From deci-
sion of coun-
cil under
R. S., 4507 ;
From neglect
&c., of coun-
cil to take
cognizance of
complaint un-
der R. S.,
4506.

How appeal
brought.

Service of
notice.

Law to apply.

1. The following articles are inserted in the Revised Statutes, after article 4514 :

"4514a. An appeal lies to the Circuit Court of the county or of the district or to the magistrate's court of the district :

1. From any decision of the council upon a complaint under article 4507, within thirty days from such decision ;

or
2. Whenever the council has neglected or refused to take cognizance of any written complaint made in virtue of article 4506, within thirty days after the expiration of the delay in which it might have taken cognizance thereof.

"4514b. The appeal is brought before the court by means of a simple notice served on the secretary-treasurer of the corporation personally or at his domicile ; and the third chapter of the sixth title of the Education Act shall apply *mutatis mutandis* to such appeal.

Decision not
to be set aside
for informal-
ties.

Amendment
of procedure.

"4514c. The decision can be set aside only when a substantial injustice has been committed, and never by reason of any trifling variance or informality.

If objections are raised which do not affect the merits of the cause, the court may amend the procedure, which is thereupon executed as though it had been regular in the first instance.

Costs.

Service of
judgment.

Return of
documents to
corporation.

"4514d. The court in adjudicating upon the appeal may condemn either party to the costs ; and if the decision appealed from be modified, it may order its judgment to be served upon the town corporation, and such judgment shall thereupon be final and executory. After the judgment upon the appeal, all original documents transmitted by the town corporation in consequence of the appeal shall be returned to the latter.

If appeal not
diligently
prosecuted.

"4514e. Every appellant who neglects effectually to prosecute the appeal, is deemed to have abandoned such appeal, and the court, on application by the respondent, may declare all the rights and claims founded on the said appeal forfeited with costs in favor of the respondent, and order the transmission of the record to the corporation."