

## CAP. XVIII.

An Act to amend the Municipal Code of the Province of Quebec.

[Assented to 10th June, 1884.]

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

Article 72  
amended.

1. Article 72 of the Municipal Code is amended by striking out after the word "village," in the third line, the following words : "and inhabited in the proportion of at least forty families within an area of sixty superficial arpents."

Article 90  
amended.

2. Article 90 is amended by adding at the end thereof the following : "notwithstanding article 5 of this code."

Article 323  
amended.

3. Article 323 is amended by adding thereto the following :

Additional day  
for voting in  
certain cases.

"In a municipality having more than six hundred electors, however, an additional voting day shall, subject to article 322, be allowed for every three hundred electors exceeding the number of six hundred."

Article 639  
replaced.

4. Article 639, as amended, is repealed and replaced by the following :

Power of ex-  
propriation for  
purposes of  
water works.

"639. To compel the owners or occupants of lands situated, as well in the municipality as in the neighboring municipalities, not more than thirty miles distant, to permit and allow all works undertaken for the purpose of providing the inhabitants of the municipality, or municipalities, with water or light to be carried on, and the taking possession, for the purpose of supplying and feeding such water-works and other hydraulic constructions, of the lakes, non-navigable rivers, ponds, springs and water-courses, having their source or flowing on private property; without, however, prejudicing the rights of the riparian proprietors to make use thereof, as well under the common law, as under chapter 51 of the Consolidated Statutes for Lower Canada, subject to the indemnity to be determined by the arbitration to the effect made under articles 640a, 640b, 640c, 640d, 640e, 640f, 640g and 640h of this Code."

Articles added  
after 640.

5. The said code is amended by adding after article 640 the following articles :

Expropriation,  
how proceeded  
with, if parties  
do not agree.

"640a. If the municipal council, or the company, person or firm of persons in the rights of the council, cannot

agree with the proprietors or owners of the lands upon the amount of the indemnity, the expropriation is proceeded with in the manner mentioned in the following articles.

640b. A disinterested person is appointed by the municipality or the company, person or firm of persons in the rights of the municipality and another is appointed by the proprietor or the possessor of the land damaged, which two persons appoint a third, and all three shall act as arbitrators in the matter in dispute between the parties. Appointment of arbitrators.

640c. The delays to appoint such arbitrators, are of eight days, counting from the service of a notice given for such purpose by one of the parties to the other. Delays for such appointment.

640d. If in the delay of eight days above mentioned, one of the parties makes default to appoint his arbitrator, such arbitrator may be appointed by the judge of the Superior Court of the district in which the land to be expropriated is situated, upon petition presented in chambers on the eighth day counting from the service of a notice to that effect upon the party in default. Appointment by judge in case of default.

640e. The delays to appoint the third arbitrator are three days counting from the acceptance or appointment of the arbitrators. Delays to appoint third arbitrator.

640f. If within the three days above mentioned the arbitrators make default to appoint such third arbitrator, he may be appointed by the judge of the Superior Court of the district in which the land to be expropriated is situated, upon a petition presented in chambers, on the eighth day after notice to that effect given by either of the parties interested to the other. Appointment by judge.

640g. The service of the notice and of the petition shall be either personal or at the domicile of the parties interested by a bailiff of the Superior Court, and if the parties interested, or any one of them, be absent, the bailiff intrusted with making such service, shall make a return certifying such absence. Service of notice and petition.

Notice shall be given to the absent party or parties according to the form and tenor of article 68 of the Code of Civil Procedure, and such notice shall be considered sufficient for all the purposes of the expropriation. Notice to absentees.

All other notices, petitions and proceedings that may require to be served upon the absent party or parties for the purposes of the said expropriation, may be served in the office of the prothonotary of the Superior Court for the district in which the property to be expropriated is situated, which shall also be held to be the domicile of the absent party or parties for the purposes of the said expropriation. Service of other notices upon absentees.

**Award.** 640*h*. The award to be rendered by the arbitrators in the cases provided for by the preceding sections shall be final and without appeal."

**Article 774 amended.** **6.** Article 774 is amended by adding at the end thereof the words :

**Proviso.** " But the establishment of a front road between two ranges or two concessions shall in no manner alter the obligations of neighbors, when such road shall be solely at the charges of one of the ranges or of one of the concessions."

**Article 941 amended.** **7.** Article 941 is amended by adding after the words "transmitted to," in the first and second lines of the second paragraph, the words "the mayor of the local municipality, or to;" and by adding at the end of the said article the following paragraph :

**Power of secretary-treasurer of county municipality as to levying tax in certain cases.** "In default of the municipal officers levying or causing such taxes to be levied during the two months next after the forwarding of the statement above mentioned, the secretary-treasurer of the county council shall have and possess, for the purpose of levying and collecting such taxes, all the rights and powers had by such local officer under section second of chapter first of title tenth of this code, and the payment of the taxes in such case shall be made at the office of the secretary-treasurer of the county council."

**Article 963 amended.** **8.** Article 963 is amended by adding after the word "council," in the second line, the words "or by the warden of the county, as the case may be."

**Article 1003 amended.** **9.** Article 1003 is amended by substituting for the word "Monday" the word "Wednesday," in the second line thereof.

**Article 1022 amended.** **10.** Article 1022 is amended by adding after the words "the purchase of such land," in the sixth line, the words "including the cost of the certificate of purchase and the notice to the registrar."

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## C A P. X I X.

An Act to amend chapter 25 of the Consolidated Statutes for Lower Canada.

[Assented to 10th June, 1884.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :