

For what purpose.

“The sum thus deposited is intended to pay the costs of the review incurred by the opposite party, if the court should grant them, if not, it is returned to the party by whom it was deposited.”

Art. added after art. 500.

3. The following article is added to article 500 of the said code.

Precedence of cases under art 494, § 6.

“500 *a.* Cases pleaded in virtue of paragraph 6 of article 494 shall have precedence over others.”

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## C A P . X X X I V .

An Act to amend article 556 of the code of civil procedure.

[Assented to 27th May, 1882.]

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

C. C. P. art 556, § 5 replaced.

1. Paragraph 5 of article 556 of the code of civil procedure is repealed and replaced by the following :

Exemptions from seizure.

“5. Two draught horses or oxen, one cow, two pigs, four sheep, and their fodder for thirty days, together with one plow, one harrow, one working sleigh, one tumbril, one hay cart, with its wheels, and the harness necessary for farming purposes.”

Act not retroactive.

2. This act shall have no retroactive effect.

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## C A P . X X X V .

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

[Assented to 27th May, 1882.]

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

§ 19 of art. 19 replaced.

1. Paragraph 19 of article 19, is repealed and replaced by the following paragraphs :

Interpretation of word : “occupant.”

“19. The word : “occupant” denotes the person who occupies any immovable under any title other than that of proprietor, tenant, or usufructuary, either in his own or

his wife's name, and who dwells upon the same and derives all issue therefrom";

"19a The word: "tenant" includes also the person who is obliged to give to the proprietor any portion whatever of the fruits and revenues of the immovable occupied by him, and such tenant shall, unless the tenant of a store, farm, shop or office, dwell upon such property."

Interpretation of word: "tenant."

2. The following article is inserted after article 22:

Art. added after art. 22.

"22a. The provisions of the two preceding articles also apply to federal or local government railways, whether such railways be worked by the government or by private individuals."

Application of articles 21 and 22.

3. Article 33 is amended by replacing the words: "when such territory has been already joined," by the following words: "whether such territory has or has not been already joined."

Art. 33 amended.

4. Article 134 is amended by striking out, in the first line, the following words: "The presiding officer, if he be also a councillor may," and by replacing them by the following words: "The chief of the council and the president, if they be also members of the council, may."

Art. 134 amended.

5. Article 191 is amended by striking out the words: "to the head of the council, or," and also the words: "or to his successor."

Art. 191 amended.

6. Article 192 is amended by striking out the words: "to his successor."

Art. 192 amended.

7. Article 232 is amended by adding at the end thereof the following words: "and in either case, if there is a Roman Catholic church, in the municipality, the said notice shall be posted upon the principal door of such church."

Art. 232 amended.

8. Article 271 is amended by adding, at the end thereof, the following words: "and he forwards a copy to the office of each of the other county councils interested."

Art. 271 amended.

The secretary-treasurer of each county council shall forward to each local council interested within the county municipality, a copy of every decision of the board of delegates."

Decision of board of delegates to be forwarded to local councils interested.

9. Article 283, as amended by 35 Victoria, chapter 8, and by 41-42 Victoria, chapter 10, section 15, is further amended by adding after the word: "demand" in the

Art. 283, as amended by 36 Vict., cap. 8, and 41-42 Vict.,

cap. 10, sec. 15, further amended. first line of the second paragraph, the words: "in writing" and by striking out the word: "any" in the second line and replacing it by the words: "to any councillor present, such."

Art. 295, as amended by 36 Vict., cap. 21, sec. 7, further amended. **10.** Article 295, as amended by 36 Victoria, chapter 12, section 7, is further amended by adding, after the word: "election," in the third line, the words: "except in a newly erected municipality."

Art. 312, as amended by 41 Vict., cap. 18, sec. 13, further amended. **11.** Article 312, as amended by 41 Victoria, chapter 18, section 13, is further amended, by striking out in the third and fourth lines, the words: "in his opinion" and by further striking out at the end of the said article, the words: "by the show of hands" and replacing these latter words by the following: "by counting the electors present who are in favor of each candidate."

Art. 477 amended. **12.** Article 477 is amended by adding after the word: "construction" in the first and second lines the words: "of any macadamized road, or the."

Art. added after 488. Establishment of water works, &c. **13.** The following article is added after article 488: "488a. To provide for the establishment, protection, and management of water works, public wells or reservoirs, and to prevent public water from being soiled or wastefully used."

Art. 512 amended. **14.** Article 521 is amended by striking out the last three lines.

Art. 582, as replaced by 35 Vict., cap. 8, sec. 3, further amended. **15.** Article 582, as replaced by 35 Victoria, chapter 8, section 3, is further amended by inserting in the second paragraph after the word: "trader," in the second line, the words: "residing in the municipality or not."

Art. 598 amended. **16.** Article 598 is amended, by adding thereto the following words; "and to authorize any constable to arrest each and every person found therein."

Art. 639 replaced. **17.** Article 639 is repealed and replaced by the following:

Obligation on owners or occupants to allow certain works to be made. Expropriation for certain **"639. To compel the owners or occupants of lands situated, as well in the municipality as in a neighboring municipality, to permit and allow all works, undertaken for the purpose of providing the inhabitants of the municipality with water or light, to be carried on, and, for the purpose of supplying and feeding such water works and**

other hydraulic constructions, the taking possession of the innavigable lakes, ponds, springs and water courses, having their source or flowing on private property, without however diminishing the volume or turning the course of such waters flowing over several properties, so as to interfere with the rights of riparian proprietors to use the same, as well under the common law, as under chapter 51 of the Consolidated Statutes for Lower Canada, saving recourse for any indemnity determined by the valuator of the municipality, wherein such land is situated, in conformity with the rules prescribed in articles 902 and following of the title on expropriation.”

**18.** Article 641 is amended by adding thereto the following words: “and to compel the latter to require the running of the line of the public highway before building.”

purposes of  
public utility.

Art. 641  
amended.

**19.** Article 654 is amended by adding thereto the following words:

Art. 654  
amended.

“And order that such house or building be not covered with shingles, unless a coat of cement or adhesive mortar, of at least one-half inch in thickness, be placed upon the boarded roof, underneath the shingles, and between both, under a penalty for each contravention of a fine, the amount of which shall be fixed in the said by-law.”

Mortar or ce-  
ment to be  
placed on roofs  
to be covered  
with shingles.

**20.** Article 716, as amended by 36 Victoria, chapter 21, section 19, is further amended by adding in the fifth line after the words: “a valuation roll,” the following words: “based upon the real value of the property.”

Art. 716, as  
amended by 36  
Vict., cap. 21,  
sec. 19, further  
amended.

**21.** Article 725 is amended by adding in the form of oath, after the word: “correct,” in the fourth line thereof, the words: “and based upon the real and annual value of the property.”

Art. 725  
amended.

**22.** Article 740 is amended by adding after the words: “in virtue of article 716,” in the third line of the first paragraph, the following words: “or at a subsequent date fixed by the county council or by the warden of the county, special notice to that effect being previously given to all the members composing such council.”

Art. 740  
amended.

**23.** Article 746 is amended by striking out, in the fourth line, the word: “may” and replacing it by the word: “shall.” and by adding thereto at the end of the same article the following words: “as well as the name of every tenant of any lot, appearing in the valuation roll.”

Art. 746  
amended.

Art. 755  
amended.

**24.** Article 755 is amended by adding after the words :  
“ local municipalities ” in the second line of the second  
paragraph, the following words : “ or partly in one local  
municipality and partly in another.”

Art. 783 as  
amended by 36  
Vict., cap. 23  
replaced.

**25.** Article 783, as amended by 36 Victoria, chapter 11,  
section 23, is repealed and the following is substituted  
therefor :

Method of di-  
vision of works  
on by roads.

“ 783. The works on any by-road, to be performed by the  
labor of the persons liable for such works, are divided  
in proportion to the value of the land by reason whereof  
such persons are liable for the road.”

Art. 793  
amended.

**26.** Article 793 is amended by adding thereto the fol-  
lowing paragraph :

Notice of suit  
to be given.

“ But no such suit shall be taken against any such cor-  
poration, without at least ten days' notice of such suit being  
given in writing to the secretary-treasurer of the corpora-  
tion.

Security for  
costs required,  
if plaintiff is  
not a rate-  
payer.

“ If the suit is taken in the name of a person who is not a  
ratepayer of the municipality he shall deposit the sum of  
ten dollars with the clerk of the court on the issue of the  
summons to guarantee costs.”

Art. 810a,  
added by 41  
Vict., cap. 18,  
sec. 29,  
amended.

**27.** Article 810a, added to the said municipal code by  
41 Victoria, chapter 18, section 29, is amended by  
inserting the words : “ by by-law,” between the words ; “ by  
the council ” and : “ on petition ” in the second line.

Art. 835, as  
amended by 35  
Vict., cap. 8,  
sec. 11, further  
amended.

**28.** Article 835, as amended by 35 Victoria, chapter  
8, section 11, is further amended by adding the following  
words at the end thereof :

By-law regu-  
lating width of  
winter roads.

“ It shall however be always lawful for municipal  
councils to make and enact by-laws providing that winter  
roads be laid out and maintained at a lesser or greater  
width than seven feet.”

Art. 904  
amended.

**29.** Article 904 is amended by adding thereto at the  
end of the second paragraph, the following words :  
“ nor through any wood-yard, pleasure-ground or other  
improved and enclosed land, being contiguous to and  
forming the dependence of a country-house or residence.”

Art. 926, as  
amended by 35  
Vict., cap. 8,  
sec. 10, 36  
Vict., cap. 21,  
sec. 29 and 36  
Vict., cap. 29,  
sec. 2, further  
amended.

**30.** Article 926, as amended by 35 Victoria, chapter  
8, section 10, by 36 Victoria, chapter 21, section 29, and by  
39 Victoria, chapter 29 section 2, is further amended by  
adding thereto the following paragraph :

“ An appeal also lies to the county council upon any  
refusal to homologate a *procès-verbal*, by the council of a

rural municipality, and the dismissing by the local council or by its superintendent of any petition praying for the opening and maintenance of a municipal road, within the thirty days following the refusal of such homologation or the dismissal of such petition.” Further right of appeal to county council.

**31.** Article 943, as amended by 36 Victoria, chapter 21, section 30 and by 41-42 Victoria, chapter 11, section 34, is further amended by inserting after the word: “whatsoever” in the fifth line, the following words: “or the proprietor of any bridge,” and after the word: “enterprise,” in the seventh line, the word: “bridge.” Art. 943, as amended by 36 Vict., cap. 21, sec. 30 and 41-42 Vict., cap. 11, sec. 34, further amended.

**32.** Article 998 is amended by substituting in the last paragraph, the word: “Wednesday” for the word: “Monday.” Art. 998 amended.

**33.** Article 1080, as amended by 41 Victoria, chapter 18, section 38, and by 44-45 Victoria, chapter 22, section 6, is further amended, by adding after the word “Megan-tic” at the end of the said section 6, the following words: “and the county of Huntingdon, except the municipality of the parish of St. Anicet.” Art. 1080, as amended by 41 Vict., cap. 18, sec. 38, and 44-45 Vict., cap. 22, sec. 6, further amended.

## C A P . X X X V I .

An Act to amend certain provisions of the municipal code.

[Assented to 27th May, 1882.]

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

**1.** Article 162 of the municipal code is hereby amended by substituting for the words: “by the council,” in the first clause, the words: “by the provincial secretary.” Art. 162 amended.

**2.** Article 168 is amended by adding thereto the following subsection: Sec. 22, added to art. 168.

“22. And every other statement which the lieutenant governor, in council, may require.” Additional statements.

**3.** Article 168a is amended by adding thereto the following subsection: Sec. 12 added to art. 168a.

12. And every other statement which the lieutenant-governor, in council, may require.’ Additional statements.