

may hereafter be formed out of a portion of such territory. <sup>If there be a court for the village,</sup> But the Lieutenant Governor in Council may, at any time, upon petition to that effect, establish a commissioners' court in and for any such village; in which case the court of such parish or township shall continue to have jurisdiction only over the remainder of the territory and may continue to hold its sittings within the limits of such village."

"49b. Whenever any parish or township, in which a commissioners' court has been or may be established, is <sup>If parish or township is divided.</sup> divided into two or more parishes or townships, or whenever any portion of the territory of such parish or township is detached therefrom, the Lieutenant Governor in Council may, upon petition to that effect, determine the jurisdiction thereafter to be given to such court and the name by which it shall thereafter be known."

"49c. None of the provisions hereinbefore contained shall be construed to affect, or shall in any manner affect any cause, trial, or proceeding now pending before any commissioners' court to which this act is intended to apply." <sup>Proceedings pending.</sup>

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

An act to amend certain articles of the Municipal Code of the Province of Quebec.

[Assented to 9th. March, 1878.]

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

1. Article 20 of the Municipal Code is amended by <sup>Art. 20, amended.</sup> striking out the words : " if it cannot be otherwise sufficiently described," and replacing them by the following : " or in the manner prescribed by a resolution of the council."

2. Article 21 is repealed, and the following substituted <sup>Art. 21, replaced.</sup> therefor :

"21. Every iron or wooden railway company shall construct and maintain all fences, roads, bridges, and water courses on the properties possessed or occupied by them in a municipality, and shall be subject to the dispositions of the by-laws, *procès-verbaux* or other municipal enactments passed to that effect, even if such works for fences, roads, bridges and water courses should not be of advantage to the company."

Art. 37a (35  
V., c. 8, s. 1),  
amended.

**3.** Article 37a, added by 35 Vict., cap. 8, sec. 1, is amended, by striking out the words: "but not comprised within the limits of a canonical or civil parish."

New articles  
after art. 48.  
Unincorporated  
villages.

**4.** After article 48, the following articles are added:  
"48a. Whenever there is, within the limits of a rural municipality, a group of at least sixty houses on a territory not exceeding two hundred and fifty arpents in superficies, the council of such municipality may, on presentation of a petition signed by two-thirds of the municipal electors who are at the same time proprietors residents of the said territory, pass a by-law to define the extent and the limits of such territory, and to cause it to be known as an unincorporated village under such name as he may deem expedient to give it."

"48b. As soon as such by-law shall come into force, the council of the municipality is vested with the same powers and authority to make by-laws, with regard to such unincorporated village, as that of the council of a village municipality working under the provisions of this code, except, however, those conferred by articles 617 to 623a and 637 to 640 inclusively."

39 V., c. 29, s.  
4, revoked;  
art. 52,  
amended.

**5.** Section 1 of the act of this Province, 39 Vict., cap. 29, is repealed, and article 52 of the municipal code is amended by inserting after the words: "municipal electors," the following words: "who are at the same time proprietors."

Art. 63,  
amended.

**6.** Article 63 is amended, by striking out the following words: "the first day of January after it has issued. It must be published," and substituting the following therefor: "the day of its publication."

Art. 168,  
amended.

**7.** Article 168 is further amended, by striking out the paragraphs 22, 23, 24 and 25.

Art. 171,  
amended.

**8.** Article 171 is amended, by adding thereto the following words: "provided the same be not in an hotel, inn, or place of public entertainment, in which are sold spirituous, vinous or fermented liquors."

Arts. 177 and  
180, amend-  
ed.

**9.** Articles 177 and 180 are amended, by adding the words: "in council," after the word: "Lieutenant-Governor."

Art. 262,  
replaced.

**10.** Article 262 is replaced by the following:  
"262. The warden is *ex-officio* one of the county delegates.

The two other delegates are appointed by the council

from amongst its members, after the entry into office of each new warden. They remain in office until their successors are duly installed, even if they have ceased to form part of the council, unless, in the latter case, they have been replaced under the provisions of the following article."

**11.** Article 265 is repealed.

Art. 265,  
repealed.

**12.** Article 293 is amended, by striking out all the words after the word "hour" in the first paragraph, and substituting therefor the following: "on the day fixed by the warden of the county, which day shall not be less than fifteen nor more than thirty days from the issuing of the proclamation."

Art. 293,  
amended.

**13.** Article 312 is amended, by adding thereto the following words: "after having established such majority by the show of hands."

Art. 312,  
amended.

**14.** Article 382 is amended, by adding thereto the following paragraph:

Art. 382,  
amended.

"However, if the work to be performed in common is not sufficient in the opinion of the council, to justify the making of a call upon the rate payers interested, the road inspector may cause such work to be performed and the cost thereof to be paid in equal proportions, by the rate payers interested in such work, as well as the costs of the collection, which shall be taxed by the said council."

**15.** Article 425a is amended, by substituting for the words: "is recoverable," after the words: "thereof," the following words: "is assimilated to municipal taxes if it is not recovered."

Art. 425a,  
amended.

**16.** Article 499 as amended by 40 Vict., Cap. 18, is further amended, by adding thereto the following paragraphs:

Art. 499, (40  
V., c. 18),  
amended  
anew.

"Any municipal corporation in this Province which had any agreement with any incorporated bank or other institution, for depositing sinking fund in virtue of any resolution or by-law of such corporation, or otherwise to redeem debentures issued by such corporation in virtue of any such by-law previous to the passing of the above mentioned act, may withdraw any money deposited in virtue of the same, together with the interest thereon accrued, with the consent of such bank or institution, provided the money be applied forthwith to purchase the debentures issued for which such sinking fund is payable."

"Any such bank in which such sinking fund may have been deposited, may pay over all such money, as well as the interest thereon accrued, to such corporation on receiving a resolution of the council of such municipality to that effect."

Art. 508,  
amended.

**17.** Article 508 is amended, by striking out the words : "or both together," in the last line of the first paragraph of this article.

Art. 515,  
amended.

**18.** Article 515 is amended, by adding thereto the following provisions :

"The corporation of any city or town municipality, comprised within the same county for registration purposes, is obliged to contribute to the costs incurred by the corporation of such county under the present article, in the same proportion as the other local corporations of the county, according however to the total amount of the valuation of its taxable property ; and the county corporation may determine its share and recover the amount thereof in the same manner as from any other local corporation."

"If the council of such city or town neglects or refuses to produce, at a suitable time, an authentic certificate of the amount of the valuation of its taxable property, the county council may determine the amount of its share as it may deem proper."

Art 535,  
amended.

**19.** Article 535 is amended, by adding after the word : "municipality," in the eighth line, the following : "or substitute the corporation, in the place of the rate payers of such municipality, in all obligations to which the latter may be bound in reference to all municipal roads or bridges, local and county, water course bridges, and road bridges."

Art. 546,  
amended.

**20.** Article 546 is amended by adding thereto the words : "or by apportionment upon a portion of the municipality."

Art. 552,  
amended.

**21.** Article 552 is amended, by substituting the words : "five years," for the words : "twelve months."

Art. 561a,  
added.

**22.** After article 561 the following is added :

"561a. To prohibit children or apprentices from frequenting taverns, hotels, restaurants, and stores, in which are retailed intoxicating liquors."

Art. 593,  
amended.

**23.** Article 593 is amended, by adding after the word : "preparation," the following words : "*detritus* or remains of dead animals."

**24.** Article 640 is repealed and replaced by the following : Art. 640,  
replaced.

“ 640. To transfer its rights and powers respecting the supplying water to any company, person or firm of persons who wish to take charge thereof, provided that such company, person or firm do not exact, for the supplying of the water, higher rates than those fixed and approved of by by-laws of the council ; and the council may take stock in such company, or lend money to such company, person or firm of persons.

Every by-law passed under this article, is subject to the provisions of article 482.”

**25.** Article 656 is amended, by adding after the word : Art. 656,  
amended.  
“ store,” the words : “ connecting with a chimney.”

**26.** Article 707 is amended, by striking out the words : Art. 707,  
amended.  
“three months,” and substituting therefor the words :  
“thirty days.”

**27.** Article 720 is amended, by substituting for the words : Art. 720,  
amended.  
“ average value of land,” the following words :  
“ average value of agricultural land.”

**28.** The following article is added after article 809 : Art. 809a,  
added.  
“ 809a. If the work or works ordered to be performed by a *procès-verbal* or by a by-law in force, become demolished, or ruinous or likely to fall from old age, they may be repaired or rebuilt under such *procès-verbal* or by-law, by observing the formalities prescribed therein or with modifications made by the council, if it has amended such *procès-verbal* or by-law.”

“However, the rebuilding or repairing of such work or works can only be ordered by the council, on the report of an officer of the municipality, establishing that it is necessary to perform such work.”

**29.** The following article is added after article 810 : Art. 810a,  
added.  
“ 810a. Every *procès-verbal* in force may, at any time, be amended by the council, on petition of one or more interested parties or on the order of the council, provided that public notice be given by the secretary-treasurer of the council or by the secretary of the board of delegates, to the parties interested, of the place where, and the time when the examination of the *procès-verbal* shall be begun.”

**30.** The following article is added after article 816. Art. 816a,  
added.  
“ 816 a. Whenever the council shall so order, a new act of apportionment may be made of the works ordered under an old *procès-verbal*, if the repair or rebuilding ordered by such *procès-verbal*, is in question.”

Art. 828,  
amended.

**31.** Article 828 is amended, by adding the following paragraphs :

"The council may by resolution order that such work shall be given out by the road inspector for the period of one year, in the same manner and under the same conditions as in the preceding article."

"The public notice required by the foregoing paragraphs may be either in writing or verbally, and will apply in the case of by-roads regulated by *procès-verbal*."

Art. 840, and  
39 V., c. 29,  
s. 13, repeal-  
ed. New art.  
840.

**32.** Article 840 of the municipal code, and section 13 of the act 39th Vict., cap. 29, amending the same, are repealed, and the following article shall be read as article 840 of this code :

"840. Winter roads on land may be laid out beyond their lines in summer, and across any field, enclosure or land in standing timber.

If the proprietor of such land suffers damage, he shall be indemnified therefor by the council of the municipality, provided the council and the proprietor come to an understanding thereon; if they do not, the council shall have the damage assessed by the municipal valuers, the council reserving, however, its recourse against all parties interested in the road for the repayment of the monies so expended.

However, these roads cannot be laid out through gardens, orchards, yards or other lands enclosed within quickset hedges, or fences which cannot be taken down or replaced without incurring heavy expenses, unless the consent of the proprietor or occupant be obtained.

The municipal council may make by-laws for the purpose of allowing the opening of winter roads across all fields or through all woods, for hauling logs, square timber or cord-wood, provided it be done without causing damage and subject to the restrictions contained in this article."

Art. 842a,  
added.

**33.** The following article shall be added after article 842 :

"842a. The corporation of every local municipality situated on the river St. Lawrence, is bound to lay out and maintain during the winter, within its limits and over half of the piece of water separating such municipality or a portion thereof from another or from a city or town municipality, for the purpose of connecting such local municipality with another local municipality or with a city or town municipality, or of connecting two city or town municipalities situated on the banks of that river, every road asked by the council of one of such local municipalities or by one of such city or town municipa-

lities ; and on the refusal or neglect of the council of such municipality, the road may be laid out, made and maintained by the corporation of the local city or town municipality demanding the same, at the expense of the corporation in default which is responsible therefor."

**34.** Article 847 is amended, by adding thereto the following words : Art. 847, amended.

" And if such road pass through a local municipality and is made for the purpose of connecting two town or city municipalities situated on opposite banks of the river St. Lawrence, the corporations of such town or city municipalities thus situated on opposite banks of the river St. Lawrence, shall be bound to reimburse to the corporation of the municipality through which such road passes, the expenditure incurred in laying out and maintaining the whole of such winter road, each paying a share in proportion to the respective amount of the valuation of the property as established by the valuation roll of each municipality."

**35.** Article 878 is amended, by adding thereto the following paragraph : Art. 878, amended.

" Works of improvement or maintenance on every municipal water course of the same nature as those above mentioned, can be regulated by *procès-verbal* or by-law, and made by the owners of lands drained either by such river or natural water course, or its tributaries."

**36.** The following article shall be inserted after article 942 : Art. 942a, a. i. d.

" 942a. In determining the value which must be given to lands used for agricultural purposes and situated within the limits of town or village municipalities, regard is had to the value of such lands for agricultural purposes simply, except for that part fronting on streets and roads to the ordinary depth of building lots in that locality, which may be taxed according to its real value."

**37.** Article 979 is amended, by substituting, in the first line thereof, the words : " the provincial secretary," for the words : " the auditor of the provincial accounts," and in the last paragraph thereof, by substituting the words : " provincial secretary," for the word " auditor." Art. 979, amended.

**38.** The following paragraphs are added to article 1080 : Art. 1080, amended.

" The councils of these municipalities may make, for the making and maintenance of the fences along

by-roads, such provisions as they may deem the most just, either by compelling the proprietors of the adjacent lands to do the same, or in any other manner; in default of any provisions being made, article 775 applies."

"The councils of these municipalities may by *procès-verbal*, define the time during which any by-road shall be built, without it being obligatory on the corporation to build any particular part of such road in any special time."

## C A P . X I X .

An act to amend the act of this province 32 Vict., Cap. 51, respecting railways.

[Assented to 9th March, 1878.]

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

Sections  
added to 32  
V., c. 51.

**1.** The following sections are added to the act of this Province, 32 Vict., Cap. 51, and shall be inserted after section 9 :

Right of  
owner to proceed by way  
of arbitration.

"9a. If the company has taken possession of any land, or performs any work thereon or has removed materials therefrom, without the amount of compensation having been agreed upon or determined by arbitration, the owner of the land or his representative may, himself, cause the valuation of the land or of the materials taken, to be made without prejudice to other legal recourse, if possession has been taken without his consent.

Notice to that  
effect.

For such purpose he shall cause to be served, at the office of the company or on its president, a notice stating :

1. A description of the land or materials taken ;

2. The price asked for such land or materials ;

3. The name of a person who shall be appointed his arbitrator, if his demand is not granted."

Proceedings.

"9b. Sub-sections 14, 15, 16, 17, 18, 20, 21, 22, 24, 25 and 26 of section 9 of the act 32 Vict., cap. 51, shall apply *mutatis mutandis* to the proceedings taken by the owner in virtue of the preceding section.

If the amount adjudged be not less than that demanded, the costs of arbitration shall be paid by the company; otherwise they shall be borne by the owner. In either case, the costs shall be taxed by the judge, if the parties do not agree upon the amount thereof."