

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.]

HER 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."