

Transmission
of record to
court below.

436. Immediately after the judgment is rendered, the record in the cause together with a copy of the judgment deciding the appeal and a certificate of the costs allowed, shall be transmitted to the court below, under the authority of which all the costs incurred, including those in appeal, shall be levied.

Foreclosure
from appeal.

437. Every appellant who neglects to make the service required by section 430, or who, having made the same neglects effectually to prosecute the appeal, shall be deemed to have abandoned such appeal, and the court or the judge, on application by the respondent, shall declare all the rights and claims, founded on the said appeal, forfeited with costs in favor of the respondent, and shall order the transmission of the record to the court below.

Responsibili-
ty of sureties.

438. The sureties shall be bound to satisfy the judgment under penalty of seizure and execution, and in the same manner as the principal party, fifteen days after service of the judgment upon them.

Judgment
non appeal-
able.

439 No appeal shall lie under the provisions of this act, from any judgment rendered by any judge of the superior court, respecting municipal matters.

Judgments
not to be
attacked by
certiorari.

440. No judgment, decision or conviction, susceptible of appeal under this act, shall be removed by *certiorari* to the superior or circuit court.

FINAL PROVISIONS.

Act to be ap-
plicable to
cities.

441. This act may apply to city corporations, which shall in future be incorporated; and, in such case, the word "town" shall be replaced by the word "city," every time that the meaning of this act, thus applied, shall require it.

Act in force.

442. This act shall come into force on the day of the sanction thereof.

C A P. X X X.

An act further to amend "The Quebec Railway act, 1869." (32 Vict., chap. 51.)

[Assented to 28th December, 1876.]

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

1. The thirteenth sub-section of the ninth section of ^{32 V., c. 51, s. 9, § 13, amended.} "The Quebec railway act, 1869," is amended by striking out the words "the judge" in the third line and replacing them with the words "any judge" and by adding after the word "district," in the third line, the following words: "or to any judge thereof exercising his functions therein."

2. The fourteenth sub-section of the ninth section of § 14, replaced. the same act is repealed, and the following is substituted in place thereof:

"14. Whenever any such judge is interested in any lands, required by the company, within the district in which he resides or is exercising his functions, or whenever there is no judge in such district, any judge of the superior court, residing or exercising his functions in any adjoining district, shall, on the application of the company or of the opposite party, exercise in any such case all the powers given by this section to the resident judge and to any judge exercising his functions within the district wherein the lands required lie, in cases in which he is not interested." Judge interested or absent.

3. The sixteenth sub-section of the ninth section of § 16, replaced. the same act is repealed, and the following is substituted in place thereof:

"16. If the opposite party within the time aforesaid notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or, if they cannot agree upon a third, then the judge of the superior court shall, on the application of the party or of the company (previous notice of at least two clear days having been given to the other party,) appoint a third arbitrator." Third arbitrator.

4. The twenty-second sub-section of the ninth section of § 22, replaced. of the same act is repealed, and the following is substituted in place thereof:

"22. If the sole arbitrator or the third arbitrator appointed by the judge or any arbitrator appointed by the parties, or the third arbitrator appointed by the two arbitrators, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then in the case of the sole arbitrator, or in the case of the third arbitrator appointed by the judge, upon the application of either party, previous notice of at least two clear days having been given to the other party, the judge, on being satisfied by affidavit or otherwise of such death, disqualification, refusal, or failure, shall appoint another arbitrator in his place; and in the case of any arbitrator appointed by the parties, the company and Arbitrators.

party respectively, may appoint an arbitrator in the place of the arbitrator so deceased or not acting, and if the company or party refuse or neglect to appoint such arbitrator, the judge, upon the application of the party or of the company, as the case may be (previous notice of at least two clear days having been given to the other,) on being satisfied by affidavit or otherwise of such death, disqualification, refusal, or failure and of the refusal or neglect to replace the arbitrator so deceased or not acting, shall appoint another arbitrator in his place; and in the case of a third arbitrator appointed by the two arbitrators, the provisions of the sixteenth sub-section of this section shall apply; but no recommencement or repetition of prior proceedings shall be required in any case."

Pending
cases of ex-
propriation.

5. The preceding provisions shall not apply to cases of expropriations commenced before the coming into force of this act.

C A P. X X X I.

An act to amend the act incorporating the Levis and Kennebec railway company.

[Assented to 28th December, 1876.]

Preamble.

WHEREAS the Levis and Kennebec railway company have presented a petition praying for an extension of the delay of eight years granted to such company by the act of this province, passed in the thirty second year of Her Majesty's reign, chapter fifty four, for the construction of the said railway, from the town of Levis, from any point in Notre-Dame ward of the said town of Levis to the frontier between the county of Beauce and the state of Maine, one of the United States;

And whereas the said Levis and Kennebec railway company represent in their petition, that they have encountered serious obstacles in the construction of such road;

Whereas the said Levis and Kennebec railway has been actually built and placed in operation, from a certain point in the parish of Notre-Dame de la Victoire, to another point, a little on this side the church of St. Joseph, in the county and district of Beauce, a distance of about forty-five miles;

Whereas it is opportune to authorize the said company to traverse the said town of Levis by passing through the villages of Bienville, Lauzon and the parish of St. Joseph de Levis, to reach the lower parts of the cliff in the said town of Levis;