

in and upon the lands that have been set apart for the opening of front and cross roads in the said village ; and any suit for such purpose shall be instituted, conducted and decided in virtue of the said municipal code and the acts which amend the same.

8. The bridge over the river à Marse, within the limits of the said village shall continue to be one-half, at the charge of the municipality of the said village of Bagotville, and of the municipality of Bagotville, and the other half at the charge of the municipality of *Grande Baie*. Bridge of the river à Marse.

9. This act shall come into force on the day of the sanction thereof. Act in force.

CAP. XLVI.

An Act to amend the incorporation act of the town of Longueuil, 37 Victoria, chapter 49.

[Assented to 24th December, 1875.]

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

1. The second section of the act of this province, 37 Victoria, chapter 49, is amended by striking out all the words comprised between the word "by" in the second line of the said section, and the word "and" in the ninth line of the same section, exclusively, and substituting therefor the following words: "the centre of the river St. Lawrence, to the north-east, partly by the land heretofore belonging to Adolphe Trudeau, by the lands of John Donnelley and Pierre E. Hurteau, Esq., and by part of the land of Joseph Dubuc, to the south-east, partly by the Gentilly road, and partly by the *trait quarré* line of the first concession of lands in the seigniory of Longueuil, and to the south-west by the stream running along the south-west side of the line of the old track of the Grand Trunk Railway Company of Canada, heretofore forming the north-east division line separating the land heretofore belonging to Joseph Goguet, Esquire, from the former village of Longueuil." 37 V., c. 49, s. 2 amended, Limits.

2. The fourth section of the said act is amended by striking out the words "sign his name" in the second line of the first paragraph of the said section, and substituting therefor the words "read and write," and in like manner by striking out the words "write his name" at the end of the second and beginning of the third line in the second sub-section of the same section, and by substituting therefor the words "read and write." Id. s. 4 amended

Id. s. 9
amended.

3. The ninth section of the said act is amended by striking out, in the second sub-section of the said section, all the words from the word "votation" in the fourth line thereof, to the end of the said sub-section, and adding after the said word "votation" in the said fourth line of the second sub-section of the said section, the words "all his municipal taxes or assessments, or other municipal rates then due."

Id. s. 26
amended.

4. The twenty sixth section of the said act is amended by striking out the form of oath there given, and substituting the following therefor :

Oath of
voters.

" You swear that you are a subject of Her Majesty, that you are entitled to take part and vote at this election, that you have, before the thirty days immediately preceding this day, paid all your municipal taxes and assessments or other municipal rates then due and payable ; (if the oath is taken by a tenant) that you have resided and paid rent in the town of Longueuil for at least six months before this day," (if there is a list of the municipal voters) " that it is your name that is entered in the list of the municipal voters of the ward (east, centre or west as the case may be) of this town, that you have not received anything, nor has anything been promised to you either directly or indirectly, to vote at this election, and that you have not already voted at this election (for the mayor of the said town, or for a councillor for any ward thereof as the case may be.) So help you God."

Id. s. 30
amended.

5. The thirtieth section of the said act is amended by striking out all the words in the said section after the word "act" in the fourth line of such section, and by substituting therefor the following words : "draw up under his signature, a certificate showing the total number of votes enregistered in the poll-book kept by him or by his poll clerk, and given to each of the candidates for mayor of the said town, or for councillor or councillors of a ward thereof, for which he shall act ; which certificate shall be annexed to the said poll-book and form part thereof."

Id. s. 34
amended.

6. The thirty-fourth section of the said act is amended by striking out after the word "prepared" in the sixth line thereof the words "on his poll-book and."

Id. s. 49
amended.

7. The forty-ninth section of the said act is amended by striking out the word "a" after the word "to" in the second line thereof, and substituting therefor the word "any."

8. The fifty-third section of the said act is amended by adding after the word "open" in the fourth line of the said section the words "or take into consideration." Id. s. 53 amended.

9. The following section shall be, in the said act, inserted immediately after the fifty-third section thereof : 53a inserted.

"53a. The said council may exercise the powers conferred upon it by the two immediately preceding sections of this act, by a resolution of the said council adopted during their sittings authorizing the mayor of the said town, or councillor presiding at the time of the adopting of such resolution, to exact within such delay as may be fixed by such resolution, from any person having incurred any of the penalties mentioned in the said sections, the payment of such fine, the amount wherof shall also be fixed by such resolution, and in default of payment of the said fine, within the delay above mentioned, authorizing the said above-mentioned persons to sign and issue against such person having incurred the said fine, a warrant of imprisonment for the period fixed in the said resolution, which warrant shall be addressed to any policeman or constable, or to any peace officer of the said town and to the gaoler of the common gaol of the district of Montreal, or authorizing by the said resolution, the said mayor or presiding councillor to give effect, in the manner above prescribed, to both penalties at once, against the person having incurred the same." Payment of the fine. Imprisonment.

10. The following section shall be inserted immediately after the hundred and second section of the said act : S. 102a inserted.

"102a. For annual, general, or partial elections for mayor and councillors of the said town, the secretary-treasurer shall, within the fifteen days immediately following the last day allowed to municipal voters, whose names are inscribed on the list of such voters for each ward of the said town, to qualify themselves as such, as regards payment of their municipal taxes or assessments or other municipal rates, be obliged to make a copy of the said list for each ward of the said town, and he shall strike out from the said copy the name of any voter, appearing on such list as proprietor of any land, whose municipal taxes or assessments, or other municipal rates due and payable on the said day, appear on the collection roll of the said town as not having been paid on or before the said day; and such copies of the list thus corrected shall be sent to the various persons presiding over the election, in each ward of the said town entitled thereto, on the day of, and immediately before the voting ; Revised copy of the list of voters.

2. The secretary-treasurer shall certify under oath to be taken before the mayor, or any councillor of the said town, or any justice of the peace for the district of Mont- Transmission thereof. Corrections certified.

real, the accuracy of the corrections made by him as aforesaid on the copies of the said lists, and such copies shall alone be used for the municipal elections above mentioned ; provided, however, that if such copies of lists be not completed or prepared at the time of any municipal election aforesaid, no such election shall be thereby prevented, but in that case, the qualification of voters shall be established by the oath of the voter, and by the original list of municipal voters, for each ward of the said town, if such original list exists, or in default thereof, by the valuation roll of the said town then in force."

If revised copies do not exist.

S. 156a inserted.

Expropriation.

12. The following section shall be inserted immediately after the hundred and fifty-sixth section of the said act :

"156a. When the proprietor of any land or part of a land which the said town council wishes to acquire, either to open or enlarge any street within the limits of the said town, or for any other useful public purpose whatever, shall refuse to sell by agreement, or when such proprietor is absent from the province, or when such land or piece of land belongs to minors, issue unborn, idiots, insane or interdicted persons, women under authority of their husbands, or to any corporation, the said town council shall have the power to obtain such land or piece of land by means of expropriation ;

Proceedings.

2. The said town council, upon such refusal, in case of refusal, or in the other cases above specified, on a resolution passed at any regular meeting of the said council, deciding that such land or piece of land shall be expropriated, shall notify, through its secretary-treasurer or any of its officers authorized for that purpose, before taking and entering into possession of any such land or piece of land, such proprietor, or the tutor or curator of such minor, unborn, idiot, insane or interdicted person, or the husband of the wife proprietor, or in the case of a corporation the president, secretary or other officer of such corporation, by notice served to any such person and placed postpaid, in the post office of the said town, or if the proprietor of such land or piece of land is absent from the province, by an advertisement to be once inserted one month previously in the English language in a newspaper published in that language in the district of Montreal, and in the French language, in a newspaper published in that language in the said district, that the said council shall, on such day which shall be fixed in the said letter of notification or advertisement, demand, from any judge of the superior court for Lower Canada, sitting in chambers in the district of Montreal, or from the said superior court, the nomination of three arbitrators, to make such expropriation. The appointment of one of such arbitrators may be made by the town council, the nomination of the second by the other party interested, and the judge of the said

Notices.

Arbitrators.

superior court, or the said court shall nominate, without any suggestion from any of the parties interested, the third of such arbitrators; and in the case in which the town council or the other party interested, does not suggest the name of any qualified person to be an arbitrator, at the time the demand for the appointment of arbitrators shall be made as aforesaid, then the judge or the court may of its own motion nominate two or all the arbitrators;

3. The persons appointed to act as arbitrators in any matter of expropriation, must be proprietors in possession of real estate in the town of Longueuil, (which real estate shall not be situate in the ward of the said town in which the improvement necessitating the expropriation is to be made,) entered in the last valuation roll in force in the said town, at a real value of at least one thousand dollars;

4. The said arbitrators shall, within eight days after having received special notice of their appointment as such, present themselves before the prothonotary of the said court, and subscribe before him an oath to well and truly perform the duties imposed upon them, as such arbitrators; and if the said arbitrators or any of them, shall make default to so present himself within the above-mentioned delay, before the prothonotary of the said court, or if having presented themselves, they refuse to take the oath above-mentioned, they shall then be liable to a penalty not exceeding one hundred dollars, recoverable by suit in the usual manner;

5. Within the fifteen days immediately after the day in which the three arbitrators shall have been sworn, as above-mentioned, the said arbitrators shall personally and together, visit the land or lands or portions of lands to be expropriated, and shall within the delay of twenty two days, from the day upon which they were sworn, make and transmit to the said judge or court, their report in writing, or their reports in writing if they do not agree, upon the amount at which they estimate the value of the land or lands or pieces of land to be thus expropriated, which report or the report of the majority of such arbitrators, if it is not contested within fifteen days immediately after the day of the giving of the notice hereinafter mentioned, of the deposit of the said report in the hands of the said judge or in the said court, shall be held and considered to be and shall be virtually, homologated;

6. Any proprietor, whose land or lands or pieces of land shall be expropriated, who shall consider himself aggrieved by the report of the said arbitrators or of the majority thereof, may within the fifteen days above mentioned, file before the said court an opposition to the said report, which should afterwards be served upon the said council, who shall appear and answer thereto within the ten days immediately after such service; and such oppo-

- Proceedings. sition shall be subject to the same rules of procedure as ordinary actions for the same amount, and in such opposition the report of the arbitrators, or of the majority thereof, may be confirmed or amended by the said superior court ;
- Notice of the report of the arbitrators. 7. Public notice shall be given by two advertisements drawn up in the English language, and inserted in a newspaper published in that language, in the district of Montreal, and by two advertisements drawn up in the French language, and inserted in a newspaper published in that language in the aforesaid district, of the deposit of the report of the said arbitrators, or of the majority thereof, as also of the deposit made by the council of the town of Longueuil, of the sum at which the said arbitrators, or the majority thereof, shall have valued the said land or lands or portions of land to be expropriated ; and any creditors of any proprietor, whose land or portion of whose land shall have been thus expropriated, shall have a right to file within the said delay of fifteen days in the office of the prothonotary of the said court, an opposition for the payment of his claim, and may be contested or homologated in the same manner as ordinary oppositions *afin de conserver* ;
- Deposit of the sum adjudicated.
- Opposition *afin de conserver*.
- Taking possession. 8. Upon the deposit being made in the aforesaid place, by the town council, of the amount fixed by the report of the said arbitrators or of the majority thereof, as being the value of any land thus expropriated, the said town council shall have the right to enter upon and take possession of such land or portion thereof, as the proprietor thereof ;
- Costs of expropriation. 9. In the case in which the arbitrators or the majority thereof shall by their report, declare, that the price at which a proprietor shall have offered to sell by agreement to the town council, the land or lands or portion thereof, forming the subject of expropriation for which they act, is not above the value of such land, the town of Longueuil shall then be obliged to pay the cost of such expropriation, including such fees as the court or judge shall allow the said arbitrators for their services ; in all other cases the court or judge shall decide as to who shall pay such costs, which may be recovered by an execution in the same manner as in ordinary actions ;
- Indemnity, how paid. 10. The amount fixed to be paid for any land expropriated shall be paid out of the general funds of the town, if such expropriation is for public improvements in which the said town generally is interested ; but if such expropriation takes place for local improvements, by which only a portion of the said town benefits, the price of such expropriation shall be borne by the proprietors of the lands situate in the vicinity of the place in which such improvement takes place and within such radius as the council shall determine ; and such amount, in the

first case, shall be included in the annual general or special tax levied by the said council, and in the latter case, it shall be divided among the parties interested, according to the actual value of their respective real estate;

11. No street shall be widened and no new street shall be opened by means of expropriation, unless such improvement shall have been demanded by a majority of the proprietors interested.” Demand required.

13. The hundred and fifty-eighth section of the said act is amended by adding after the words “ may be ” in the second line thereof, the words “ unless it is otherwise provided by some special provision of this act.” S. 158, of 37 V., chap. 49, amended.

14. The hundred and sixty-first section of the said act is repealed and is replaced by the following: S. 161 replaced.

“161. The said town council shall have full power and authority to cause to be opened and maintained during winter, a road on the river St. Lawrence, to communicate with the city of Montreal. The expenses of opening and maintaining such road shall be borne by the corporations of the city of Montreal, of the county of Chambly, and of the town of Longueuil, in the following proportions, half of such expenses shall be paid by the city of Montreal, three-eighths of the said expenses shall be paid by the county of Chambly, and one eighth of the said expenses shall be paid by the town of Longueuil.” Winter road on the river. Costs of maintenance, by whom paid.

15. The hundred and sixty-third section of the said act is amended, by striking out all the words in the said section immediately after the words “ above mentioned ” in the eighth line thereof. S. 163 amended.

16. All the foregoing provisions of the present act form part of the act of the legislature of this province, 37 Victoria, chapter 49, incorporating the village of Longueuil as a town, shall take in the body of the said act, chap. 49, the places assigned them by this act, may be cited under the numbers given them, and shall apply to the same subjects as the provisions for which they are substituted, or to which they are added, or which they amend, and shall in general have the same force or application as the said act, 37 Victoria, chapter 49. Citation and application of the acts of incorporation.

17. The present act shall come into force on the day of its sanction. Act in force.