

2. The second, third, fifth and sixth sections of the act, thirty-first Victoria, chapter twenty, intituled: "An Act to encourage settlers," as amended by the act thirty-second Victoria, chapter thirteen, shall apply to all cases of concessions or grants of land made in virtue of, and in accordance with the provisions of the said act, thirty-second Victoria, chapter eleven, in like manner as they would have applied to concessions or grants of land made in virtue of, and in accordance with, all previous acts relating to the sale and administration of public lands.

Sec. 2, 3, 5 and 6, of 31 V., c. 20, shall apply to grants made in virtue of 32 V., c. 11, &c.

3. The fourth section of the said act to encourage settlers, thirty-first Victoria, chapter twenty, is hereby repealed, and is and shall be considered as never having been in force.

Sec. 4 of 31 V. ch. 20, repealed.

C A P . X X .

An Act to amend article 31 of the Code of Civil Procedure of Lower Canada, respecting actions in *formâ pauperis*.

[Assented to 24th December, 1872.]

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

1. Article 31 of the Code of Civil Procedure is hereby amended by adding thereto the following paragraph:

Art. 31, C. C. P., amended.

"But the court or judge cannot grant leave to any party to institute *in formâ pauperis* any suit to recover a penalty."

C A P . X X I .

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

[Assented to 24th December, 1872.]

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

1. Article 19 of the Municipal Code of the Province of Quebec is amended as follows:

Art. 19, M. C., amended.

1. By substituting the following, for paragraph 28:

"The term "boundary fence" means the fence dividing two public or private properties adjacent one to another."

2. By adding thereto the following paragraph:

"33. The term "municipal code" used in any act, statute, by-law, writing, procedure, or document whatever, is a sufficient citation and designation of the municipal code of the province of Quebec."

Art. 74,
amended.

2. Article 74 of the said code is amended by adding thereto the following paragraph :

"Any part of a town or village municipality may, in the same manner be annexed to any local adjoining municipality in the county, provided there remains in the town or village municipality, a territory of sixty arpents in superficial extent, containing forty inhabited houses."

Art. 76, re-
placed.

3. The following article is substituted for article 76 of the said code :

"76. The territory of the town or village so annexed to any local adjoining municipality, forms part of such municipality, from the date of the coming into force of the proclamation ; and if the whole of the municipality has been so annexed, it ceases from such time to form a distinct municipality."

Art. 168, re-
placed.

4. Article 168 of the said code is repealed, and the following articles are substituted therefor :

168. The secretary-treasurer of every local municipal council, is bound, yearly, between the first and thirty-first days of January, of the year during which the valuation roll is made, to transmit to the provincial secretary a return showing :

1. The name of the corporation ;
2. The estimated value of the taxable real estate ;
3. The estimated value of the real estate not subject to taxation ;
4. The estimated value of the property declared liable to taxation, by article 710 ;
5. The number of persons paying taxes ;
6. The number of arpents of valued land ;
7. The rate of assessment in the dollar imposed for all purposes whatsoever ;
8. The value of the property of the corporation ;
9. The debentures of the corporation ;
10. The amount of taxes collected within the year, including the amount for the county council ;
11. All other sums collected ;
12. The amount of arrears of taxes ;
13. The capital amount due to the consolidated municipal loan fund ;
14. The amount of interest due upon such loans ;
15. Other debts ;
16. The amount raised by loan within the year ;

17. The amount received from the government under the seigniorial act;

18. The interest paid on debentures ;

19. The expenditure on salaries, and other expenditure for municipal government ;

20. All other expenditure ;

21. The number of persons resident in the municipality ;

22. The number of horses ;

23. The number of sheep ;

24. The number of pigs ;

25. The number of horned cattle.

168*a*. The secretary-treasurer of every county council is also bound, in the month of January in each year, to transmit to the provincial secretary a return showing :

1. The name of the corporation ;

2. The value of the property belonging to the corporation ;

3. The corporation debentures ;

4. The capital amount due to the consolidated municipal loan fund ;

5. The amount of interest due on such loans ;

6. Other debts ;

7. The amount received from the government under the seigniorial act ;

8. Other revenues ;

9. The interest paid on debentures ;

10. The expenditure on salaries, and other expenditure for municipal government ;

11. All other expenditure.

168*b*. The commissioner of agriculture and public works shall annex to his annual report, made under chapter fifteen of 32nd Victoria, as an appendix, a compiled statement of the reports made in virtue of the two preceding articles by counties, with a summary of such reports, by counties only.

5. Article 204 of the said code is amended by substituting for the words "or valuator" the following words : "valuator or special superintendent." Art. 204, amended.

6. Article 280 of the said code, is amended by substituting for the words "designated by the presiding officer of the election or by the lieutenant-governor," the following words "chosen by lot by the presiding officer of the election in presence of the municipal electors or designated by the lieutenant-governor, when they are to be replaced by him." Art. 280, amended.

7. Article 295 of the said code is amended by striking out the word "prevents," and by inserting in lieu thereof the words, "does not prevent." Art. 295, amended.

Art. 307,
amended.

8. Article 307 of the said code is amended by inserting, after the first paragraph, the following :

Nevertheless the council of a rural municipality whose sessions are held in a municipality of a city, of a town or of a village, in virtue of article 106 may by resolution fix upon another place for the holding of such meeting.

Art. 367a,
added.

9. After article 367 of the said code, the following shall be inserted :

367a. Any person appointed to any of the offices mentioned in article 365 of this code, who unlawfully refuses either to accept the same, or to discharge the duties thereof, incurs a penalty not exceeding twenty dollars.

Art. 382,
amended.

10. The first paragraph of article 382 of the said code is amended so as to read as follows :

"Whenever any work must be performed in common upon any municipal roads or bridges, it is the duty of the road inspector of the division, to notify specially the persons who are liable to perform such work, by special notice either verbally or in writing, or by public notice of three days."

Art. 425a,
added.

11. After article 425 of the said code the following shall be inserted :

425a. In the event of the works not being executed within such delay, the rural inspector may authorize either the complainant himself or any other person to execute the same, or to cause the same to be executed, and the cost thereof is recoverable in the same manner as penalties, under the authority of this code.

Art. 460,
amended.

12. Article 460 of the said code is amended by inserting therein after the word "articles" the following numbers : "471, 474."

Art. 474,
amended.

13. Article 474 of the said code is amended by inserting after the word "council" the following words : "without prejudice to the provisions of articles 126, 139, 260 and 290."

Art. 490,
amended.

14. Article 490 of the said code is amended by striking out the words "carried on."

Art. 595,
amended.

15. Article 595 of the said code is amended by substituting for the words "two dollars" the following words : "ten dollars."

The same article is amended by adding thereto the following paragraph :

“The penalty imposed for any contravention of the by-laws made under this article may be recovered, except in so far as respects the tax, from persons residing outside the municipality, whose dogs shall have been found in contravention of such by-law.”

16. Article 675 of the said code is amended by adding thereto the following words: “subject to the application of articles 243 and 244.” Art. 675, amended.

17. Section eight of chapter eight of 35th Victoria, is amended as follows: Sec. 8, of 35 Vic., c. 8, amended.

1. By substituting in article 678*a*, for the words “after having asked the question three different times at reasonable intervals,” the following words: “At the expiration of one hour, after such demand has been made.”

2. By substituting in article 678*c*, for the words “if after the electors present have been asked three times at reasonable intervals,” the following words: “If, before the expiration of one hour, after the electors present have been asked.”

18. Article 712 of the said code is amended, by substituting in the first paragraph, for the words “by municipal corporations,” the following words: “by the corporation of the municipality, in which it is situated.” Art. 712, amended.

19. The following paragraph shall be added to article 716 of the said code: Addition to art. 716.

“Nevertheless in the counties of Gaspé and Bonaventure, the valuation roll must be drawn up in the months of February and March.”

20. Article 718 of the said code is amended, by adding at the end thereof, the following paragraphs: Art. 718, amended.

13. The actual value of the property declared not taxable, by article 712;

14. The number of persons resident in the municipality;

15. The number of horses;

16. The number of sheep;

17. The number of pigs;

18. The number of horned cattle.

21. Article 532 of the said code is repealed, and the following article shall be inserted after article 762 of the said code: Art. 532, repealed, and new article inserted after art. 762.

762*a*. Any by-law or *procès-verbal* made to close a road leading into or from any neighboring local municipality, or for diverting such road at a point where it leads into or from such municipality, has no force or effect until

approved of by a resolution of the county council, carried in the affirmative by two-thirds of the members composing such council.

If the neighboring local municipality forms part of another county municipality, the by-law or *procès-verbal*, must be approved of by a resolution of the board of delegates of such county municipalities, carried in the affirmative by two thirds of the members composing the board of delegates.

Article 767,
amended.

22. Article 767 of the said code is amended by substituting for the word "vues" in the French version, the word "rues."

Art. 783,
amended.

23. Article 783 of the said code is amended by substituting for the words "any municipal road," the words: "any by-road."

Art. 794,
amended.

24. Article 794 of the said code is amended, by substituting for the words "thirty days next after his appointment," in the last paragraph, the following words "the delay which the council shall fix."

Art. 805,
amended.

25. Article 805 of the said code is amended by substituting the following in lieu of the first paragraph:

"If it appears to the secretary-treasurer of the council, at the office of which such *procès-verbal* and report have been deposited, that the work to be performed is work falling within the jurisdiction of another council, he must transmit without delay the *procès-verbal* and all the proceedings connected therewith, to the office of the council to which they belong, for examination and homologation by such council, or by the board of delegates, as the case may be."

Art. 806,
amended.

26. Article 806 of the said code is amended by substituting in the first paragraph, for the words "by causing public notice to be given," the following words: "provided that public notice has been given by the secretary-treasurer of the council or by the secretary of the board of delegates."

Art. 836,
amended.

27. Article 836 of the said code is amended by substituting for the words "any Municipal roads" the following words "any front road."

Art. 847,
amended.

28. After article 847 of the said code, the following shall be inserted:

"847a. The corporation of the municipality of the county of Maskinonge is solely responsible for damage resulting

from the improper maintenance of the winter roads, on the river St. Lawrence, by the country and village municipalities, included in such county municipality."

29. Articles 926 and 927 are amended by substituting for the words "local council" wherever they occur in such articles, the words following "council of a rural municipality." Arts. 926 and 927, amended.

30. Article 943 of the said code is amended by substituting in the first paragraph, for the words "five years," the following words: "twenty years;" and for the words "ten years" the following words; "twenty years." Art. 943, amended.

31. After article 978 of the said code the following shall be inserted: New art. inserted after art. 978.

"978a. The taxes intended to pay the interest upon municipal debentures, issued before or after the coming into force of this code, as also those intended for the payment of a sinking fund, or for the redemption of such debentures, may be imposed or levied, according to the last valuation roll in force in the municipality; provided that the total amount of such valuation roll in force be not less than that of the valuation roll in force at the time when the by-law was passed."

32. Article 980 of the said code is amended, by adding, at the end thereof, the following words: "subject nevertheless to the application of article 978 a." Art. 980, amended.

33. Article 1081 of the said code is amended by inserting after the first paragraph of the said article the words following: "the municipality of the parish of *St. Pierre de la Pointe aux Esquimaux*." Art. 1081, amended.

34. After article 1084 of the said code, the following shall be inserted: New art. inserted after art. 1081.

"1084a. The municipality of the parish of St. Roch of Quebec South, shall be hereafter known as "the municipality of the parish of St. Sauveur de Québec."

35. The preceding provisions of this act, as also those of chapter eight of thirty-fifth Victoria, shall form part of the municipal code of the province of Quebec, shall be inserted in the body of the said code, at the places indicated in the said acts, may be cited under the numbers assigned to them, shall apply to the same subjects as the provisions for which they are substituted, to which they are added or which they amend, and shall generally have the same effect and application as the said code. Provisions of this act and of 35 V., c. 8, to form part of M. Code.

36. The present act shall come into force on the day of its sanction. Commencement of this act.