

3. The judge shall have power to issue, under his hand, an order to compel the appearance before him, without costs, of any person whom he shall deem qualified to afford him the information necessary to determine the value of the said immovables, and any such person, refusing to comply with such order, shall be guilty of a contempt of court. Power of judge to obtain information as to value.

4. Notice of the place, day and hour of such sale, shall be given twice in fifteen days, in the *Quebec Official Gazette*, and in two newspapers indicated by the judge, one of which shall be published in the French and the other in the English language, in the district in which the immovables are situated, and, in the event of there being no newspapers published in such district, then such notice shall be given in the newspapers of the nearest district. What notice of sale shall be given.

5. The judge may, when he shall deem it advisable, dis-pense the petitioners from the necessity of publishing the notices mentioned in the preceding section, and authorize them to proceed to the sale, by consent, of the said immovables, to any person paying the price fixed by such judge. Private sales may be authorized.

C A P. V I I I.

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

[Assented to 23rd December, 1871.]

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

1. After article 37 of the municipal code of the Province of Quebec, the following shall be inserted: Art. 37a added to municipal code.

"37a. The county council may, by resolution, erect into a municipality of part of a township, any territory containing a population of at least three hundred souls, which already forms part of a municipality of a township, of part of a township or of united townships, but is not comprised within the limits of a canonical or civil parish, on petition signed by at least two-thirds of the electors of such territory; provided that there remains in the municipality, from which such territory is detached, a population of at least three hundred souls. County councils may sub-divide certain municipalities. Proviso.

Such resolution must be preceded by a public notice given for such purpose, and approved and published in the manner prescribed by article 41." Previous notice to be given.

2. Article 283 of the said code of the Province of Quebec, is amended by striking out the words at the end Art. 283 of said code amended.

of the article, "according to the valuation roll in force, if one there be."

Art. 582 of said code amended.

3. Article 582 of the said code is repealed and the following substituted therefor :

Certain persons may be compelled to take out licenses.

"582. To compel each of the following persons to take out a license from the corporation, for the exercise in the municipality of his trade, occupation or calling, and to prevent each of them from carrying on such trade, occupation or calling, without such license :

1. Every broker or banker and every wholesale or retail trader, merchant or dealer, except such persons as are obliged to take out licenses from the government of the province, in so far only as relates to the particular business for which they must have such license ;

2. Every carter or common carrier.

Duration and price of licenses.

No such license can be given for a longer period than twelve months. The price fixed for granting any such license in virtue of this article must be proportioned to the extent of the business, trade or occupation of each person bound to take a license, and fixed at the discretion of the council, but such price must not exceed twenty dollars in the cases set forth in paragraph one, and twelve dollars in those of paragraph two."

Art. 744 of said code amended.

4. Article 743 of the said code is amended by inserting after the word "qualification" the following words : "excepting that of local councillor."

Art. 746a added.

5. The following article shall be inserted after article 746 of the said code :

Amendment of valuation rolls.

"746a. The local council may, in any year in which a new valuation roll is not made, revise and amend the valuation roll in force, for local purposes only, by complying with the formalities prescribed by articles 736, 737, and 738.

The amendments so made to the valuation roll come at once into force, subject nevertheless to the appeal to the county council under article 927."

Art. 927 of said code amended.

6. Article 927 of the said code is amended, by substituting for the words "articles 734 and 738," in the second and third lines thereof, the following words: "articles 734, 738 and 746a."

Art. 931a added.

7 The following article shall be inserted after article 931 of the said code :

Notice to be given previous to examination of petition in appeal.

"931a. The county council, however, cannot take the petition in appeal into consideration until after public notice, of the day and hour of the session at which it will proceed to the examination of such petition, has been given by the secretary-treasurer, or by the warden, in the local municipality from which the appeal comes."

8. The following articles shall be inserted after article 678 of the said code :

“ 678a. The person presiding, after having opened the meeting and read the by-law, asks the municipal electors present who are entitled to vote, whether they approve or disapprove of such by-law. Arts. 678a, 678b, 678c added. By-law may be approved or rejected unanimously.

After having asked the question three different times at reasonable intervals, the person presiding must declare the by-law approved or disapproved, as the case may be, if all the electors present have unanimously approved or disapproved such by-law.

678b. If the by-law so approved or disapproved, is a by-law of the county council, all the electors of the local municipality entitled to vote are deemed to have voted “ yea,” if the by-law is declared approved, or “ nay,” if the by-law is declared disapproved. Effect of such unanimous vote.

The person presiding at the meeting, must establish the number of such electors, in the certificate which he is bound to lodge in the office of the county council ; and the warden, in reckoning the votes given for or against the by-law, must reckon them all as for or against such by-law, as the case may be.

678c. If after the electors present have been asked three times at reasonable intervals whether or not they approve or disapprove of the by-law, the person presiding deems that there is not unanimity, or if he is required, either verbally or in writing to hold a poll, by at least one elector entitled to vote, it is his duty to open the poll without delay, and to proceed to record the names of the voters.” Poll to be held in default of unanimity.

9. The following provision shall be added to article 1081 of the said code :

“ The county of Montmorency continues to form two distinct county municipalities, as follows : the local municipalities of that part of the county which is situate on the north shore of the river St. Lawrence, form a county municipality under the name of the “ municipality of the county of Montmorency, number one,” and those of the Island of Orleans form another county municipality under the name of the “ municipality of the county of Montmorency, number two.” Addition to art. 1081. County of Montmorency to continue to form two municipalities.

10. Article 926 is amended by substituting for the number 806 therein contained, the number 808. Art. 926 amended.

11. Article 835 of the said code is amended by substituting the word “ seven ” for the word “ fifteen,” and the word “ five ” for the word “ ten.” Art. 835 amended.

12. Article 744 of the said code is hereby repealed.

Art. 744 repealed.

Art. 484
amended.

13. Article 484 is amended by inserting at the end thereof the following words: "or within the limits of such agricultural society, in which such municipality is situated."

And as doubts may exist, respecting the nature and extent of the responsibility of municipal corporations, as shareholders in railway companies, it is declared and enacted as follows:

Responsibility
of municipi-
palities and
companies
taking stock
in railways.

14. The responsibility of municipal corporations and of incorporated companies, as shareholders in railway companies, like that of individuals, is and has always been limited to the amount which has been lawfully subscribed by them.

C A P. I X .

An Act further to amend the law respecting District Magistrates in this Province.

[Assented to 23rd December, 1871.]

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

Subs. 1 of sec.
6, 32 V., c. 23,
amended.

1. The first sub-section of section sixteen of the act of this province, thirty-second Victoria, chapter twenty-three, is hereby amended, in such manner as to read as follows:

"1. All suits whether personal or real, wherein the sum or value demanded does not exceed fifty dollars."

Magistrate's
courts to have
jurisdiction in
lessors and
lessees cases.

2. When the amount of rent claimed or the amount of damages alleged does not exceed fifty dollars, the magistrate's court shall have jurisdiction in actions to annul or to rescind a lease, or to recover damages resulting from the contravention of any of the stipulations of the lease, or the non-fulfilment of any of the obligations which the law attaches to it, or which result from the relation of lessor and lessee, and all proceedings in and the proof and hearing of the said actions shall take place in a summary manner and upon any juridical day, whether such day be or be not fixed as one of the days on which the said magistrate's court can sit.

Sec. 14, of 32
V., c. 23,
amended.

3. Section fourteen of the said act is hereby amended, by striking out all the words thereof after the words "shall be the clerk of the magistrate's court," and by substituting therefor, the following: "the lieutenant-governor in council may also, from time to time, fix any other place or places where the magistrate's court shall be held in any county, and whether a circuit court be held therein or not, and may appoint a clerk of the court for such place."

2011/11/16

100

100

1

100

20000