

by certificate dated \_\_\_\_\_ and registered at the office  
of the provincial registrar on the \_\_\_\_\_.  
The officers of the said society are \_\_\_\_\_, president,  
\_\_\_\_\_, vice-president, \_\_\_\_\_, secretary-trea-  
surer, and \_\_\_\_\_, members of the board of manage-  
ment. The place of business of the said society is at \_\_\_\_\_.

Commissioner, &c.

D

FORM OF CERTIFICATE UNDER OATH.

We the undersigned, president (or vice-president) and secretary-treasurer, certify that there is at this moment in the hands of the secretary-treasurer of the colonization society of                      the sum of                      the amount of subscriptions paid by the members thereof, for the current year, that such sum is in specie and bank notes current in this province, and not in promissory notes or other paper, and that the same has been paid *bonâ fide* without reserve or conditions whatsoever; and is destined to be employed for the purposes of The colonization societies act.

President (or vice-president).  
Secretary-treasurer.

Sworn before me at \_\_\_\_\_ this \_\_\_\_\_

**Justice of the peace.**

## CAP. XV.

An Act respecting the Department of Agriculture and Public Works.

[Assented to 5th April, 1869.]

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

- 1.** All that part of the administration of this province, which relates to agriculture, colonization, immigration, emigration and public works shall be under the control and direction of the department of agriculture and public works. Powers of the department.
- 2.** The said department shall be administered and managed by the commissioner of agriculture and public works. Department managed by commissioner.
- 3.** It shall be part of the duty of the said commissioner, to institute enquiries and collect useful facts and statistics, relating to the agricultural, mechanical and manufacturing interests of the province, and to adopt measures for cir- Duties of the commissioner.

culating and publishing the same in such manner and form as he finds best adapted to promote the progress of the province and to encourage immigration from other countries, and he shall submit to parliament within ten days after the opening of each session thereof, a detailed report of his proceedings.

Agricultural and colonization societies, colleges &c., to furnish information to commissioner.

4. All agricultural societies, colleges or schools of agriculture, colonization societies, the board of arts and manufactures, mechanics' institutes, public institutions and public officers of this province, shall promptly answer official communications from the said department, and shall make diligent efforts to supply correct information, on all questions submitted to them, and any officer of any of the institutions hereinabove mentioned, refusing or wilfully neglecting to answer any question or to furnish any information relating to the interests of agriculture, agricultural instruction, colonization, mechanics, or manufactures, or respecting the statistics of this province, shall for every such offence incur a penalty of twenty dollars, which shall be recoverable in the name of her majesty before any competent court.

Books and accounts of agricultural and colonization societies to be subject to inspection of commissioner.

5. The commissioner may, at any time, appoint any person, or persons, to inspect the books and accounts of any agricultural or colonization society receiving government aid, or being in any way in connection with his department; —and all officers of every such society, whenever required so to do, shall submit such books and accounts to such inspection, and truly to the best of their knowledge answer all questions put to them in relation thereto, or to the funds of such society.

Commissioner to control agricultural schools &c.

6. The commissioner shall be entitled to control and superintend all schools or colleges of agriculture, model farms or colonization societies, which receive grants from government.

Assistant commissioner and other officers.

7. The lieutenant-governor may also appoint an assistant-commissioner of agriculture and public works, who shall be the deputy-head of the department, a secretary and accountant, a managing engineer, and all other officers necessary for the satisfactory administration of the affairs of the department, all of whom shall hold their offices during pleasure.

Present officers to continue.

8. The officers of the department, now actually performing the various duties hereinabove set forth, shall continue to hold their offices during pleasure.

Outside officers.

9. The lieutenant-governor may also from time to time appoint, outside of the department, as many agricultural officers, colonization agents, engineers, superintendents of works and other officers, in general, as he may deem necessary for the efficacy of the service in the various branches of the department, and may at his pleasure remove them from office.

**10.** It shall be the duty of the assistant-commissioner, and he shall have authority, (subject always to the commissioner,) to oversee and direct the other officers and servants of the department; he shall have the general control of the business of the department, and such other powers as shall be assigned him, by the lieutenant-governor in council, and in the absence of the commissioner may, during such absence, suspend from his duties, any officer or servant of the department, who refuses or neglects to obey his orders.

Duties of assistant commissioner.

**11.** It shall be the duty of the secretary, unless otherwise directed by the commissioner, to keep separate accounts of the grants, to which agricultural societies, colonization societies, and schools of agricultural instruction are entitled, and also of grants for every public work, property, or building, and to submit the same to be audited in such manner as may be appointed therefor, by the lieutenant-governor in council; to have charge of all reports, maps, plans, contracts, estimates, documents, titles, models, and other like things, relative to every such work, property or building; to keep proper accounts with each contractor and other person employed by the department; to prepare all certificates upon which any warrant is to issue; to keep minutes of all proceedings of the department, to prepare reports, to conduct, under the direction of the commissioner, the correspondence of the department, to keep a regular register thereof, to classify the same in such a manner as to be able easily to refer thereto, and generally to do and perform all such acts and things concerning the business of the department as he may from time to time be directed to do and perform by the commissioner: and a copy of any plan, map or other document in the custody and charge of the secretary, certified by him as a true copy, shall be held to be authentic, and shall, *prima facie*, have the same legal effect as the original, in any court.

Duties of secretary.

**12.** It shall be the duty of the managing engineer to prepare maps, plans and estimates for all public works which are about to be constructed, altered or repaired by the department; to report for the information of the commissioner, on any question relating to public works which may be submitted to him; to examine and revise the plans, estimates and recommendations of other engineers and officers, in connection with the department, and generally to advise the department, on all engineering questions affecting the public works of the province.

Duties of managing engineer.

**13.** The respective duties of the officers of the department, in all matters not expressly regulated by law, shall be assigned them from time to time by the lieutenant-governor in council, or by the commissioner.

Other duties may be assigned them.

**14.** No deeds, contracts, documents or writings, shall be deemed to be binding upon the department, or shall be

How deeds &c. must be signed and sealed.

held to be the acts of the said commissioner, unless signed and sealed by him or his assistant, and countersigned by the secretary.

Lieut.-gov. may order all maps &c. relating to property under control of the department to be delivered to the secretary.

**15** The lieutenant-governor may from time to time require any person or corporation having the possession or custody of any maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents or records, not being private property, and relating to any public work, building or property, which is now, or which may hereafter be placed under the control of the department of public works, to deliver the same to the secretary, and may also from time to time place in his possession and custody for the use of the commissioner, all instruments, books, drawings, models or documents, relating to the object for which the commissioner is appointed, and which are requisite for the better attainment of the ends of this act.

#### AGRICULTURAL ORGANIZATION.

#### COUNCIL OF AGRICULTURE.

Board of agriculture and agricultural association abolished.

**16.** The board of agriculture for Lower Canada and the agricultural association for Lower Canada, shall cease to exist from the date of the lieutenant-governor's proclamation containing the appointment of the members of the council of agriculture as hereinafter provided.

Said board and association replaced by council of agriculture.

**17.** The said board and the said association shall be replaced by a council of agriculture, the duty of which shall be to advise on all measures calculated to insure the efficacious management of agricultural societies and to promote agricultural and industrial progress in this province.

By laws of board of agriculture to continue until repealed.

**18.** All the regulations and by-laws passed by the said board of agriculture and in force on the day when this act comes into force, shall continue to be obligatory, until the same are repealed by the council of agriculture.

Formation of council of agriculture.

**19.** The council of agriculture shall be composed of twenty-three members, twenty-one of whom shall be appointed by the lieutenant-governor in council, and shall be selected from the farmers and agriculturists of note in the province, and of whom the commissioner of agriculture and the minister of public instruction shall be, *ex officio*, members thereof.

Members of council to be subject to Lieut. gov.

**20.** The members of the said council shall fill their offices during pleasure and shall be subject, in the performance of their duties, to all orders and instructions which the lieutenant-governor may, from time to time, communicate to them.

**21.** They shall constitute a corporation in law, under the

name of "the council of agriculture," and shall be entitled to hold real estate to the value of forty thousand dollars, in addition to the real estate whereof the said council shall itself make use.

Incorporation and corporate powers.

**22.** All moneys in the possession of the said board of agriculture and the said agricultural association, remaining unexpended in the hands of their respective treasurers, or deposited to their credit, in any bank, or in the hands of any person whatsoever, shall belong to the council of agriculture, shall be paid over to the treasurer of the province, and shall be by him deposited to the credit of the said council, which shall be entitled to dispose of the same for any of the purposes of its formation, after having first defrayed all the lawful debts of the said board and of the said association, if any there are; and any officer of the said board, or of the said association, any bank, and any individual, having in his or their possession, any part of such moneys, and refusing to deliver up and pay over the same to the treasurer of the province, may be sued therefor in an action of account or otherwise in the name and for the benefit of the council of agriculture, before any competent court, and be condemned to pay such part of the said moneys, and in addition thereto a penalty not exceeding five hundred dollars for the benefit of the said council of agriculture.

Moneys of board and association to belong to the council and be paid over to treasurer of the province.

Suit and penalty for default.

**23.** All the claims of, and debts due to, the said board and the said association, shall be the property of the council of agriculture, and in default of payment, the said council may sue, before all competent courts, for the recovery of the same, all those by whom they are lawfully due.

Claims and debts of board and association to pass to council.

**24.** All books, maps, archives, models, articles belonging to agricultural museums, specimens and generally all the personal property of the said board and of the said association, shall, from the coming into force of this act, be the property of the council of agriculture, and the commissioner may take possession thereof in the name of the said council.

Personal property of board and association to belong to council.

**25.** The commissioner shall provide premises for the meetings of the council, and shall convene the first meeting thereof, by letter addressed at least five days before the same is held, to each of the members, and shall preside over the said meeting, until the election of a president elected by the council.

Convening of first meeting of council and presiding thereat.

**26.** The services of the members of the council shall be gratuitous, and they shall be entitled to no compensation other than the expenses occasioned by their presence at any regular or special meeting of the said council.

Member to serve gratuitously.

**27.** Seven members of the council, at any regular or special meeting, shall form a quorum for the transaction of business.

Quorum.

## Officers.

**28.** The only officers of the council shall be a president, a vice-president and a secretary.

## President vice-president and temporary president.

**29.** The president and the vice-president shall be elected at the first meeting of the council by a majority of votes, and at each subsequent annual meeting; in the absence of the president and of the vice-president, the council may appoint a president *pro tempore*.

## President or his substitute to have only a casting vote.

**30.** The president or his substitute in the chair during any meeting of the council, shall not be entitled to vote, unless the votes are equally divided.

## Appointment of secretary of council.

**31.** The secretary of the council shall be appointed by the lieutenant-governor and shall become one of the officers of the department of agriculture and public works.

## Duty of secretary.

**32.** It shall be the duty of the said secretary to draw up the minutes of each of the proceedings of the council, and to enter the same, one after the other, according to the date thereof, in a register to be kept for such purpose, to keep the accounts of the said council, to conduct the correspondence under the direction of the president of the council and of the commissioner of agriculture, and to keep a record of the same.

## Expenses of council how paid.

**33.** The contingent expenses of the council of agriculture together with the expenditure occasioned by such meetings, shall be paid by order of the commissioner, out of the funds deposited to the credit of the said council.

## By laws to regulate time and proceedings of meetings.

**34.** The council with the approval of the lieutenant-governor shall adopt by-laws fixing the periods at which its regular meetings shall be held and establishing the manner of proceeding thereat.

## Special meetings how called.

**35.** The president or the commissioner may, whenever he deems it desirable, convene special meetings of the said council, by notifying the members, by letter to such effect addressed to each of them, at least five days before such meeting.

## Duties and powers of council. Exhibitions.

**36.** It shall be the duty of the council of agriculture and the same shall have the power:

1. To organize agricultural and industrial exhibitions open to competitors from all parts of the province, once at least in every three years. The first shall take place in the year eighteen hundred and seventy.

2. To make by-laws for the regulation of such exhibitions to fix, under such conditions as it shall judge meet, the place in which each provincial exhibition shall be held, to name a local committee at the place where such exhibition is to be held, lay down the powers and duties of the said committee, and add thereto if he thinks proper the officers and the sub-committee of the board of arts and manufactures.

3. To adopt, with the approval of the lieutenant-governor in council, and jointly with the federal government, all

measures calculated to insure the worthy representation of this province, at any foreign exhibition and in any general exhibition for the dominion of Canada.

4. To revise and approve of the by-laws which may be made for the internal government of county agricultural societies, and to make, with the approbation of the lieutenant-governor in council, such by-laws when the said society shall neglect to make them. By laws to govern agricultural societies.

5. To prescribe to the said societies, whenever it shall deem meet, the manner in which a portion of their funds not exceeding one third of the amount of the provincial grant, shall be expended, by devoting the same to such special branch of agricultural or industrial improvement, as it shall desire to promote in preference to others. Apportionment of fund of societies.

6. The council may however in exceptional cases adopt special by-laws for certain societies, more or less advanced than others. Special by-laws for exceptional cases.

7. To cause to be organized by the agricultural societies, in such counties or districts as shall appear advantageous, competitions for the best cultivated farms, for standing crops and ploughing matches, either for each county or district or for the whole province, to fix the period, manner and conditions thereof, to establish the prizes to be offered to the competitors; the said competitions shall take place and shall be renewed every two years, in such a manner as to alternate with the county exhibitions, which shall also, in the counties where this system shall be established, take place only once in two years. Opening competitions.

8. To take steps, with the approval of the lieutenant-governor in council, to procure and place in operation, one or more model or experimental farms in connection with any school, college, or university, or otherwise. Model farms.

9. To encourage, by means of special prizes, the cultivation of certain varieties of plants and grain, which it is desirable to extend throughout the province. Special varieties of plants etc.

10. To take measures, for the introduction into this province, of animals of superior breeds, of new varieties of seed grain, of vegetables or other agricultural produce, of new and improved implements of agriculture, and of other machines of a nature to facilitate agricultural operations. Superior breeds of animals, improved implements etc.

11. To distribute among the various institutions of agricultural instruction, the amount destined for such purpose, from the allocation in favor of agricultural societies hereinafter established, and all sums voted by the legislature for agricultural instruction otherwise than in normal schools. Distribution of funds for agricultural instruction.

12. To adopt measures calculated to promote and improve agricultural instruction, with power to introduce at all universities, colleges and schools of agriculture, participating in the grant destined for agricultural instruction, Promotion of agricultural instruction.

such scheme of agricultural instruction and practice, as it shall adopt, to fix the number of the professors, teachers of practical agriculture, and other employees necessary for such institution of agricultural instruction, together with the salary of each thereof, and generally to prescribe the manner in which the whole of the public funds granted to such institutions shall be employed.

Bursaries.

13. To establish bursaries or semi-bursaries for students attending the various schools of agricultural instruction in the province, in such number, in such amounts, and on such conditions as it shall deem meet.

Council shall publish useful agricultural information.

37. The council of agriculture shall from time to time publish, in the manner and form best suited to insure the largest circulation thereof among agricultural societies and farmers generally, all reports, essays, lectures and other useful information which the said council shall deem desirable to publish.

Council may have an official journal of agriculture.

38. The council may publish a journal of agriculture, for the purpose of communication with the agricultural societies, or, on such conditions as may be approved of by the lieutenant-governor in council, adopt as its official channel or channels of communication, any journal or journals now in being, and agricultural societies shall be bound to give notice one month in advance, of the time and place of holding their exhibitions, in such official journal or journals.

By-laws of council must be approved.

39. Every by-law passed by the council of agriculture and every resolution or measure adopted by the same, must be submitted for approval to the lieutenant-governor in council, before being put into execution.

Powers and duties of commissioner relative to societies and institutions.

40. All administrative powers and duties which have reference to the control and regulation of agricultural societies, and of institutions of agricultural instruction are by this act conferred upon the commissioner, who shall receive their annual reports, pay over to them the provincial grant established on their behalf, and give them instructions of a nature to secure the complete fulfilment of the general or special by-laws, adopted with regard to them by the council of agriculture and he shall have the power in the case of contravention on their part to suspend the government grant to such societies or institutions and with the approbation of the lieutenant-governor in council to withdraw it.

#### AGRICULTURAL SOCIETIES.

Formation of agricultural societies for each county.

41. An agricultural society may be formed in each of the counties of the province and in the electoral division of the town of Sherbrooke, whenever forty persons have become members thereof, and have signed a declaration,



in the form of schedule A to this act annexed, and such society shall consist of all such as may then or hereafter have signed such declaration.

42. All counties of the province united for the purposes of parliamentary representation, shall for all the purposes of agricultural organization, be deemed separate counties and shall enjoy all the rights and privileges conferred in this respect upon counties not so united. United counties to be separate for agricultural organization.

43. Agricultural societies regularly organized in virtue of the statutes repealed by this act, and in operation at the time when this act shall come into force, shall continue to exist as then constituted, and shall retain all the rights and privileges conferred upon them either by previous legislation, or by resolution of the board of agriculture. Existing societies to continue.

44. Each agricultural society organized in a county shall be a corporation under the name of "the agricultural society of the county of \_\_\_\_\_," with power to acquire and hold land as a site for exhibitions or for a school of agriculture or model-farm, and to sell, lease or otherwise dispose of the same; but not more than two hundred acres shall be so held at any one time. Each society to be a corporation.

45. Upon a memorial, or memorials, from different parts of any county, any one or all of which is or are signed by twenty persons, representing to the council of agriculture that it is inconvenient, on account of distance, for the farmers of the section in which the signers reside, to attend the exhibitions of the county society, and that a sufficient number of persons are willing to subscribe the amount necessary to form another agricultural society, under the provisions of this act, the said council shall examine such memorial, and if they are of opinion, that another society may be advantageously organized in the said county, the council may authorize the same to be organized accordingly, and shall prescribe the limits or section of the county within which its operations shall be confined, and in such case the first society shall confine its operations to the remaining section of the county. When and how more than one society may be organized in a county.

46. But a sum not less than forty dollars shall be paid before any such separate society shall be formed, and no more than one such society in addition to the first county society shall be so formed, with the exception of the county of Gaspé, which shall be entitled to retain the four societies therein. Sum to be paid for a separate society, and no more than two to be in one county, except Gaspé.

47. The second society so organized in any county, shall be known as the "agricultural society number two, of the county of \_\_\_\_\_," and the declaration or instrument of organization shall be the same as is hereby required for county societies, except that the prescribed limits for its operations shall be specified therein. Name and organization of second society.

48. Every such additional county society shall be en- Apportion-

ment of grant  
to second  
society.

titled to a share of the public grant, in the ratio of its subscriptions to those of the rest of the county, and shall have all the powers of a county society, and shall be subject to all the provisions of this act, relating to county societies.

No share of  
grant to second  
society for first  
year, unless  
&c.

49. No such separate or additional county society shall be entitled to any share of the public grant for the year in which it is formed, unless such formation has taken place before the first day of May in such year. The society number one and the society number two in a county shall have the power by petition addressed to the council of agriculture, and approved by the said council, to unite themselves, and shall then form but one society, under the name of "the agricultural society of the county of \_\_\_\_\_."

Two or more  
county socie-  
ties may unite  
for certain  
purposes.

50. Two or more county societies may unite their funds or any part thereof, either for purchasing land and all requisites for a model-farm, or land on which to erect buildings for exhibitions or with the object of holding agricultural and industrial exhibitions open to the members of the societies so united, or of opening competitions for the best cultivated farms, for the finest standing crops, or for ploughing matches among the members of such united societies.

Union subject  
to approval of  
commissioner.

51. But no such union of societies can take place, unless the measures proposed for the carrying out of the same, and the scheme of operations of the said united societies for the current year, have been submitted to, and approved by the commissioner.

The county  
societies of a  
district may  
form a district  
society.

52. County agricultural societies, included in any of the judicial districts of the province, may form together a district society, by adopting resolutions to that effect, either collectively or separately, and transmitting the same to the commissioner: and whenever all the societies of a district, or the majority of such societies not less than three in number, who have resolved to form a district society, have determined to constitute themselves into a district agricultural society and have set apart for such purpose a sum of at least one hundred dollars each, the commissioner if he approves of such proceedings, shall give notice in the *Quebec Official Gazette* of the formation of such society, and thereupon the agricultural societies of such district, which shall so decide to constitute itself a district society, shall form a corporation in law, known as "the agricultural society for the district of \_\_\_\_\_," with power to acquire and hold land, as a site for its exhibitions and meetings and for a school of agriculture, and to sell, lease or otherwise dispose of the same, but not more than three hundred acres shall be so held at any one time, and when the societies of a district have not united to form themselves into a district society, they shall continue to exist as separate societies.

**53.** County societies which shall have constituted themselves district societies shall nevertheless continue to enjoy their corporate rights, and to have an existence distinct one from the others, for the purpose of electing their own officers and managers, of collecting the subscriptions of their members, of drawing the provincial grant herein-after established, and of expending, in agricultural and industrial objects, every part of their funds not paid over to the district society, in conformity with the by-laws of the council of agriculture, and the rules laid down by the commissioner.

Societies composing district society to continue separate.

**54.** The board of management of district agricultural societies shall be composed of the president and vice-presidents of the county agricultural societies included in such district, who, at their first meeting in each year, shall elect from among themselves a president and vice-president, and shall make choice of a secretary-treasurer, who, if not already one of the members of the said board of management, shall *ex officio* become so.

Board of management of district societies how formed.

**55.** The operations of the said district society shall extend over the whole district, irrespective of its subdivisions into counties.

Extent of operations of district societies.

**56.** The board of management of every district society shall be bound to report the election of the officers, to the commissioner so soon as such election shall have taken place, and in the month of May, to set forth the sum which the said society will have at disposal for the current year, the manner in which it is proposed to expend the funds thereof, and in the month of December of each year to transmit to the said commissioner a detailed statement of the manner in which its funds have been employed, which statement shall be approved by the board of management and attested under oath by the secretary-treasurer.

Report and statement to be furnished by district societies to commissioner.

**57.** The object of the said county societies, united societies and district societies shall be to promote improvement in agriculture, horticulture, silviculture, mechanics, manufacturing and domestic industry and works of art:—

Object of agricultural societies.

1. By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved husbandry;

Means for that purpose.

2. By promoting the circulation of agricultural papers;

3. By offering prizes for essays on questions of theoretical or practical agriculture;

4. By importing or otherwise procuring animals of superior breeds, new varieties of plants and grains, and seeds of the best kinds;

5. By organizing ploughing matches, competitions respecting standing crops and the best cultivated farms;

6. By holding exhibitions and by according thereat premiums for the raising or introduction of superior

breeds of stock,—the invention or improvement of agricultural implements and machines,—the production of all kinds of grain or vegetables,—for excellence in any agricultural production or operation,—and generally for the improvement of domestic and manufacturing industry, and for works of art.

Funds of the societies to be applied according to this act.

When and how exhibitions and competitions shall be organized.

**58.** The funds of the said societies derived from the subscriptions of members and the public grants, shall not be expended for any object inconsistent with this act.

**59.** Each county society, united society or district society, established as hereinbefore set forth, shall be obliged, once in every two years, to hold an exhibition of agricultural produce, farm stock and other objects relative to agriculture, and also of articles of domestic and manufacturing industry, and works of art, and to organize also competitions in regard of the best cultivated farms, in accordance with the plan which the council of agriculture shall prescribe.

Prizes to be awarded at exhibitions.

**60.** Prizes shall be awarded at the said exhibitions, for the best agricultural and industrial productions exhibited, and for superior farm stock in respect of economical or other qualities; and this shall be in the manner which shall be prescribed by the staff of officers and managers of each society, after notice thereof shall have been posted up in each parish and township of the county.

Conditions of competition etc., to be fixed by by-laws of council.

**61.** The mode to be pursued in determining the respective merits of the cultivation of lands, in competitions regarding the best cultivated farms, shall be settled by the council of agriculture, which shall fix in advance the number and amount of the prizes, and also the conditions to which the subscribers must submit to compete therefor, and shall publish a general by-law for this purpose.

Council to fix number of judges etc.

**62.** The council of agriculture shall fix the number of the judges of the said competitions, and at the same time shall establish the qualifications required in them, and the compensation to be allowed them for their services.

What prizes may consist of.

**63.** Prizes awarded at exhibitions, at competitions of standing crops and at ploughing matches, may be granted either in money, in books treating of agriculture, in improved implements of agriculture, in grain or animals of superior breed, after the same have been awarded by at least two judges appointed by the officers and managers of the society; but the said judges shall not receive any of the prizes so awarded, nor shall any of them be allowed more than two dollars for acting as such at any exhibition or ploughing match, nor more than sixteen dollars for examining the standing crops in any county.

Remuneration of judges.

How secretary treasurer may be remunerated.

**64.** No portion of the funds belonging to any such society shall be expended in paying any salary or allowance, but the secretary-treasurer thereof may be awarded

any sum not exceeding seven per cent upon all the moneys expended by such society under this act, for and in lieu of all salary, and allowance for stationery and other contingent expenses.

**65.** A general meeting of the members of every county agricultural society shall be held in the course of the month of December in each year, and in the counties where there is no existing society a meeting for the formation of a society may be held during the same month. When meeting of county societies shall be held.

**66.** Such meeting shall be convened by notices posted up or read at the church doors, or at any other public place in each parish or township in the county, by order of the president of the society, at least five days before such meeting; and in counties wherein agricultural societies have not yet been organized, the same shall be done by order of the warden of the county, and the person who shall have called the said meeting shall be entitled to preside at the said meeting until a president is elected. How such meetings shall be convened.

**67.** At such meeting the society shall elect a president, a vice-president, a secretary-treasurer, and not more than seven directors, except in counties where there are more than seven parishes, where there shall be as many additional directors as there are parishes above that number, who shall together form the board of management thereof. Election of officers and directors.

**68.** The president of any mechanics' institute in operation in any county which shall have paid into the funds of the county agricultural society, a sum of ten dollars for the year, or any member selected by the said institute, shall be, by law, one of the managers of such society. Certain persons may be managers.

**69.** The officers and directors of each society shall, during the year immediately following the annual meeting, and until the election of their successors, exercise all the powers conferred on the society by this act. In case of vacancies during said year, among the officers or directors such vacancies may be filled up at a special general meeting of the board of directors to be called for that purpose. Officers and directors to exercise the powers of the society.

**70.** They shall hold their meetings according to the terms of the adjournment, or to a notification in writing, forwarded to each of them by order of the president, or in his absence, by order of the vice-president, or of the president *pro-tempore*, one week at least before the day fixed for the holding of such meeting. When and how meetings shall be called.

**71.** At such meetings five shall form a quorum. Quorum.

**72.** The said officers and directors shall have full power, at every such meeting, to make regulations and by-laws, for the government of the said society, and to modify and repeal the same, provided always such regulations and by-laws are consistent with those published by the council of agriculture. Power to make by-laws.

**73.** The officers and directors of the said society shall Detailed re-

port to be submitted to annual meeting.

draw up and submit at the annual meeting, a detailed report of their operations during the year that is about to end, declaring and shewing the names of all the members of the society, the amount subscribed and paid by each of them, the names of all persons to whom prizes shall have been awarded, the amount of each of such prizes, and the name of the object or head of cattle for which the prize was awarded, together with such other remarks on the agriculture of the county and the improvements which either have been, or may be introduced into the same, as the board of management is in a position to offer.

Also a statement of accounts.

74. They shall further submit, at the said meeting, a detailed statement of the receipts and expenditure of the society during the said year.

Copy of report and statement to be sent to commissioner.

75. The said report and statement when approved by the meeting, shall be entered in the journal of the society kept for such purpose, which entry shall be signed by the president, or vice-president, as faithful and correct, and a copy thereof attested by the president, vice-president or secretary, for the time being, shall be transmitted to the commissioner, on or before the first day of April following.

Scheme of operations to be furnished to commissioner.

76. To render the control, to be exercised by the council of agriculture and the commissioner over the said societies, more efficacious, the board of management of each of them shall be bound, on or before the first of June of each year, to adopt a scheme of operations for the said year, and to transmit the same to the commissioner, together with the report and statement hereinabove mentioned.

Societies to be subject to rules laid down by commissioner.

77. The said societies shall be bound, under pain of the suspension and even of the withdrawal of the provincial grant, established in favor thereof, to act in conformity with all rules which the commissioner shall lay down respecting their report, statement of accounts, and scheme of operations, so far as is not incompatible with the by-laws adopted by the council of agriculture. The scheme of operations of each society, when once adopted with or without alteration, by the commissioner, shall not be changed without his authorization.

How special meetings may be called.

78. Whenever the president of a county agricultural society shall be required so to do by at least ten members, he may convene a general meeting of the members of the said society, by specifying in the notice of such meeting the end and object thereof; and at the said meeting no other subjects shall be entertained but those for which the same was convened.

Societies to furnish such information as council or commissioner may require.

79. The officers and directors of agricultural societies shall reply to the enquiries of, and publish such information as the council of agriculture or the commissioner may, from time to time, require, by a circular letter or

otherwise, regarding the interest or position of agriculture in their county or district, and shall comply in general with the by-laws of the said council and the recommendations of the said commissioner.

80. The secretary-treasurer of every agricultural society shall be responsible to such society, for all moneys by him in such capacity collected, and shall be bound to furnish to the said society security to the extent of eight hundred dollars, to the satisfaction of the president and vice-president of the said society; and he shall not draw any moneys from the commissioner, until he shall have previously transmitted to him a copy of the surety bond.

Security to be given by secretary-treasurer of every society.

81. Contestations of the elections of the officers of county or district agricultural societies shall be referred to the commissioner and be by him decided, without appeal from his decision.

Commissioner to decide contestations of elections.

82. All disputes occurring between societies, or between the members and officers of any society, which cannot be settled by the said society, shall be likewise submitted for decision unto the said commissioner, and his decision shall be final.

Commissioner to decide disputes between societies.

83. Every county agricultural society shall be entitled to an annual grant from the provincial treasury, equal to three times the amount subscribed and paid in by the members thereof.

Annual grant to county societies.

84. But no grant shall be made to any society, unless eighty dollars have been subscribed and paid into the hands of the treasurer thereof, by at least forty members, and the whole amount of the grant to each county society, or to all the societies of a county, if there is more than one society therein organized, shall not, in any one year, exceed the sum of eight hundred dollars.

Sum to have been previously paid by society.

85. The said grant shall be due and payable to each society, so soon as the report, statement of accounts and scheme of operations thereof, shall have received the approval of the commissioner, and so soon as the secretary-treasurer or any other officer of the said society shall have transmitted to the commissioner an affidavit sworn to before a justice of the peace, setting forth the members then forming part of the said society, the subscriptions whereof for the current year have been paid into and are in the hands of the treasurer.

On what conditions grant shall be paid.

86. If two societies organized in one and the same county raise together a sum exceeding eighty dollars, the grant shall be divided between them in proportion to the amount subscribed and paid by each.

Division of grant between two societies in one county.

87. The public grant to which the societies are respectively entitled shall be paid over to them on the order of the commissioner; he may however retain eighteen per

Commissioner to give order for grant and retain a part

for certain purposes.

When and how county municipalities may become agricultural societies.

Who shall be the officers of the society in such case.

County municipality becoming a society to keep separate books for agricultural proceedings.

Municipalities becoming societies to be subject to same obligations.

Case of property belonging to former societies coming into possession of new societies provided for.

cent on each allotment, whereof ten per cent shall be for the use of the council of agriculture and eight per cent for agricultural instruction.

**88.** Any county municipality may form itself into an agricultural society, with the consent of the agricultural societies then existing in such county, whenever all the local municipalities included in the said county, have declared their intention of forming part of such society, and set apart for such purpose a joint sum of at least two hundred and sixty dollars or adopted resolutions authorizing the municipal council of the said county to levy a sum of at least two hundred and sixty dollars for agricultural purposes; and so soon as the treasurer shall have transmitted a report under oath of such proceedings to the commissioner and such report have been approved of by the latter, such county municipality shall be constituted into an agricultural society for all lawful purposes whatsoever, and shall take the place of any other agricultural society which might previously have existed in the said county, provided always that the proceedings aforesaid, have taken place and have been approved before the annual meeting of the county agricultural society.

**89.** Whenever any county municipality shall be so constituted into an agricultural society, the warden of the county shall be the president, the secretary-treasurer of the county council shall be the secretary, the other members of the said council shall be the directors, and all the tax payers of the said county municipality shall be the members of such agricultural society.

**90.** The secretary-treasurer of the council of any county municipality, constituted into an agricultural society as aforesaid, shall keep special books for the proceedings of the said council respecting agriculture, and for the moneys destined for agricultural purposes.

**91.** Municipalities constituted into agricultural societies shall be entitled to the provincial grant, and shall be bound to report to the commissioner their proceedings respecting agriculture, and to transmit to him a statement of their receipts and expenditure, and a scheme of operations in the manner prescribed for the other agricultural societies.

**92.** When, by reason of changes made in the limits of counties, an agricultural society, organized under this act, shall become possessed of any property real or personal, belonging, either in whole or in part, to any society previously organized in the same territory, or in any part thereof, the said property may be valued by arbitration, upon which the parties shall agree, and divided between them equitably and in accordance with their rights; and if the society so holding such property refuses or neglects to arbitrate or to divide the same, or the value thereof, or



to comply with any award made upon any such arbitration, the society aggrieved may sue at law and recover its proportion of the same, or the amount to which it is entitled by any such award in any court of civil jurisdiction, and the commissioner may order the grant of public money payable to such defaulting society to be withheld while such default continues.

93. All sums of money in the possession of any agricultural society formed before the passing of the present act and remaining unexpended, in the hands of any person who has been the treasurer of such former society, shall by him be paid over to the treasurer of the present society, or a society that may be organized for the county heretofore comprised in whole or in part within the limits of such former society; and in the event of the county for which such former society was formed being divided between two or more counties, then to the treasurers of the present societies for such counties or for portions of such counties, in proportion to the population by the last census of the respective portions of the territory of such former society comprised in the territories of such present societies respectively, and shall be applied by the treasurer to whom the same shall be so paid or his successor, to the purposes of such present society; and if any such moneys are not so paid over by the treasurer of such former society to the treasurer of such present society, as hereinbefore mentioned, they may be recovered by the society to whose treasurer they ought to have been paid, as a debt due to such society.

How unexpended moneys of former societies shall pass to subsequent societies.

94. The municipality of any city, town, village, county or township, may grant money or land in aid of any agricultural or horticultural society or of any incorporated mechanics' institute within the limits of such municipality.

Municipalities may grant money in aid of societies.

#### HORTICULTURAL SOCIETIES.

95. Any number of persons not less than twenty-five may organize and form themselves into a horticultural society for any city, town, village, township or parish in the province or union of two or more thereof together, by signing a declaration in the form of schedule A annexed to this act, to which shall be made the necessary alteration as regards the name of the society, and by subscribing a sum of not less than forty dollars annually to the funds thereof.

Formation of horticultural societies.

96. Such declaration shall be made in duplicate and one part thereof shall be written and signed at the first page or pages of a book to be kept by the said society for recording the minutes of its proceedings during the first year of its existence, and the other part thereof shall be

Declaration for the purpose.

forthwith sent to the commissioner who shall, as soon as possible after the receipt thereof, cause a notice of the formation of such society to be published in the *Quebec Official Gazette*.

After publication of notice society to form a corporation.

**97.** Upon the publication in the *Quebec Official Gazette*, of the notice of the formation of any such society it shall become a body politic and corporate for the objects and purposes hereinafter mentioned, by the name applied to it in such notice, which shall be the same as that in the declaration transmitted by such society; and it shall have all the powers incident to corporations.

Power to make by-laws.

**98.** Every horticultural society incorporated under this act shall have the power of making by-laws not being contrary to the laws of this province or to this act, for prescribing the mode of admission of new members and election of officers, and regulating generally the administration of its affairs and property.

Meetings of society and election of officers.

**99.** Every such society shall hold a meeting in the first week of the month of February, in each year, besides meetings at such other times as may be prescribed or provided for by its by-laws; and at such annual meeting a president, a vice-president, a secretary-treasurer and not fewer than three, nor more than nine, directors shall be elected.

Duties of officers similar to those of officers of agricultural societies.

**100.** The said officers and directors shall prepare and present to the annual meeting of the society a report of their proceedings in the same manner as herein directed for county agricultural societies and containing information upon the same heads except in so far as relates to agriculture,—the object and purposes of horticultural societies being the same as those of agricultural societies, but with reference to horticulture only, as hereinabove mentioned.

#### BOARD OF ARTS AND MANUFACTURES.

Board of arts and manufactures.

**101.** There shall be in and for the province a corporation formed as hereinafter provided and called “the Board of Arts and Manufactures”

Corporate powers.

**102.** Such corporation shall have the power of acquiring and holding real or immoveable property for the purposes of the corporation and of selling, exchanging, leasing or otherwise disposing of the same.

Composition of the board.

**103.** The said board shall be composed of the commissioner of agriculture and the minister of public instruction, who shall be *ex-officio* members thereof, and the professors of the various branches of physical science in the chartered universities and colleges affiliated thereto in the province, who shall all be *ex-officio* members thereof; the faculty of every other educational establishment ranking

as a college, and composed of at least five professors, one of whom must be a professor on physical science, may in the month of december of each year, elect one of such professors to represent the said college or faculty at the board, and the president or principal of such college or faculty shall make known to the board the name of the professor so appointed.

**104.** Any mechanics' institute incorporated in the province, may elect one delegate to the board of arts and manufactures, for every twenty members entered on its roll, who are actually exercising the calling of mechanics or manufacturers, and who shall have paid a subscription of at least five shillings each towards a fund set apart by the society for two or more of the following objects, to wit: for the maintenance of a library, reading room, museum or course of lectures upon scientific subjects, or for the support of schools where design, mathematics, physics, history and civil engineering or more than one of such branches of education are taught, and such subscriptions and the purposes to which they are applied shall be certified to, upon oath by the secretary or treasurer of the society.

How mechanics' institutes may elect delegates to the board.

**105.** Every society of arts incorporated in the province may elect each year a delegate to the said board of arts and manufacturer for every twenty members inscribed upon its list who shall have paid a subscription of at least four dollars each into the funds of the society, such funds having been applied, after the payment of salaries, rent and current expenses, to the encouragement of the fine arts in this province.

How societies of arts may elect delegates to the board.

**106.** The board of trade in any city or town of the province may also each year elect and accredit one of its members to form part of the said board of arts and manufactures.

Board of trade may elect delegates to the board.

**107.** The election of delegates to represent the various bodies hereinbefore mentioned, in the board of arts and manufactures must be made every year at the last regular meeting of each of such bodies.

When such elections of delegates shall take place.

**108.** The names of the delegates so elected shall be forwarded by the secretary of the institution which has elected them to the secretary of the board of arts and manufactures, who must insert the same in the list of members of the said board for the year then about to commence.

Names of delegates to be furnished to secretary of the board.

**109.** The secretary of any mechanics' institute or society of arts, in transmitting the names of the delegates thereof shall, thereunto annex the certified return under oath hereinbefore provided, indicating the names of the members, the amount of their subscriptions, and to what purposes the same have been applied.

Secretary of mechanics' institute to furnish a certified return under oath.

Case of an institute electing too many delegates provided for.

**110.** If it appears by the said return that a mechanics' institute or a society of arts has elected a larger number of delegates than it was entitled to elect, then the secretary of the board shall not record any of the names of the delegates of such mechanics' institute or society of arts and shall submit the circumstances of the case to the board at its first sitting, and the said board may, if it deems proper, order that such mechanics' institute or society of arts shall not be entitled to any delegate for the ensuing year, or it may decide by vote or by ballot what delegates shall withdraw, and in the latter case, the names of the other delegates shall thereupon be inserted by the secretary of the board on the list of members of the same for the new year.

Officers of geological survey to be members of the board.

**111.** The superintendent and chief officers of the geological survey (whose names shall be communicated to the said board in the month of december in each year by the said superintendent) shall be *ex-officio* members of the said board.

Time of meetings of board.

**112.** The said board of arts and manufactures shall continue to meet in the city of Montreal, four times a year, that is to say: on the first Tuesday in each of the months of January, April, July and October, if such Tuesday be not a holiday, but if it be a holiday, the meeting shall take place the next thereafter, not being a holiday.

When and how special meetings of board may be called.

**113.** The president of said board and in his absence from the province, or in the case of vacancy in the office of president, then the vice-president, whenever he deems it necessary, or is required by any ten members thereof so to do, shall call a special meeting of the same, in the interval between any two quarterly meetings, by causing to be published a notice specifying the day and place and object of the meeting, in such newspapers as shall be determined upon, at a regular meeting of the said board, at least ten days before such meeting.

Election of officers and of a sub-committee.

**114.** The said board shall, at its meetings in the month of January in each year, elect from among its members a president, vice-president, and a secretary-treasurer, to hold office for the ensuing year, or until the election of their successors; and shall appoint a sub-committee of not less than five nor more than nine of their number for the management during the year of such affairs of the board as may be submitted to them.

President and vice-president to be members of sub-committee. Quorum.

**115.** The president and vice-president shall be *ex-officio* members of such sub-committee, and a majority of the members of such sub-committee shall be a quorum for the transaction of business.

Vacancies how filled.

**116.** In case of a vacancy occurring in any of the said offices in the course of the year, either by death or resignation, such vacancy may be filled up by election as aforesaid,

at any quarterly meeting, or at a meeting specially called for that purpose.

**117.** It shall be the duty of the said board of arts and manufactures: Duties of board.

1. To take measures with the approbation of the commissioner of agriculture, to collect and establish at Montreal and elsewhere, for the instruction of practical mechanics and manufacturers, museums of minerals and other materials, substances, and chemical compositions susceptible of being used in mechanical arts and manufactures, with model rooms appropriately stocked and supplied with models of works of art, implements, mechanisms and machines (except those adapted to facilitate agricultural operations,) and free libraries containing books of reference, plans and drawings, calculated to impart useful information in connection with mechanical arts and manufactures;

2. To take measures to obtain from other countries new or improved implements and machines, (not being implements of husbandry or machines, specially adopted to facilitate agricultural operations), and to test the quality, value and usefulness of such implements and machines;

3. And generally to adopt every means in its power to promote improvement in the mechanical arts and manufactures in this province.

**118.** The said board, with the consent and approbation of the commissioner, may establish in connection with the museums, model-rooms, or libraries thereof, schools of design, furnished and supplied in the most complete and appropriate manner, that the funds at its disposal, admit of, regard being had to the claims thereon of the objects for which it is established; Board may establish schools of design.

**119.** The said board may also found schools or colleges for mechanics, and employ competent persons to deliver lectures on subjects connected with the mechanical arts and sciences or with manufactures. Board may found schools for mechanics.

**120.** The said board shall keep records of its transactions, and shall from time to time publish, in such manner and form as to secure the widest circulation among the mechanics' institutes and mechanics, artisans and manufacturers generally, all such reports, essays, lectures and other literary compositions conveying useful information, as the said board may judge suitable for publication. Board shall publish all suitable information.

**121.** The said board of arts and manufactures may make and ordain such by-laws, rules, orders and regulations, not being contrary to this act, or the law of this province, as it deems necessary, touching the disposition and management of its funds, property and affairs, and the execution of the duties and powers intrusted to it by this act, and from time to time, may repeal or alter the same and make others in their stead. May make by-laws.

Copies of proceedings and by-laws to be furnished.

**122.** Copies of all the proceedings of the said board, and of all the by-laws passed thereby, shall be, forthwith after their adoption, transmitted to the commissioner of agriculture and also to the minister of public instruction, who shall continue to possess all the powers and duties, which are now, and which may hereafter be conferred upon him, by the act thirty-first Victoria, chapter ten, of the statutes of this province.

#### PUBLIC WORKS.

Commissioner to manage all public works.

**123.** The Commissioner shall have the management, custody and control of all public works, real estate and public buildings belonging or which may hereafter belong to the province, and may exercise such management custody and control either by himself or by persons employed by him for that purpose.

Commissioner may insure buildings.

**124.** The Commissioner may cause to be insured in his official name all the public works and buildings of the province against fire, in solvent insurance companies.

Lieut. gov. may declare certain works to be under the control of the commissioner.

**125.** The lieutenant-governor in council may, from time to time, by proclamation declare that all other works, undertaken at the expense of the province and all real estate acquired by the government of the province are subject to the provision of this act, and thenceforth they shall be under the control of the department of public works.

Former contracts &c. to avail as if made under this act.

**126.** All contracts, agreements, bonds or leases for or respecting any works or buildings now the property of this province, or for any tolls for the same, entered into by the commissioner of public works of the late province of Canada or by any commissioners or other persons duly authorized to enter into the same shall enure to the use of Her Majesty and may be enforced as if they had been made and entered into under the authority of this act.

Real estate to be vested in her majesty and may be sold when not required.

**127.** All real estate acquired for the use of public works or buildings shall be vested in Her Majesty and when not required for the said works or buildings, may be sold under the authority of the lieutenant-governor in council.

Certain hydraulic powers to belong to Her Majesty and may likewise be sold or leased.

**128.** The hydraulic powers created by the construction of any public works, or by the expenditure of public money thereon shall also belong to Her Majesty and any portion thereof not required for the public works may also be sold or leased under the authority of the lieutenant-governor; and the proceeds of such sales or leases shall be accounted for as public money.

Of what property commissioner shall have control.

**129.** The commissioner shall have the management and control of the construction, maintenance and repair of the public buildings, bridges, roads or parts of roads, coloniza-

tion roads, drainage or other public work in progress or constructed or maintained in whole or in part at the expense of the province and which by virtue of this act are or shall hereafter be placed under his management and control ; but nothing in this act shall be interpreted as derogating from any provisions of the act passed in the thirty-first year of Her Majesty's Reign intituled : " An act respecting colonisation roads," or as authorizing the commissioner to cause expenditure not previously sanctioned by the legislature except for such repairs and alterations as are urgently needed.

**130.** No warrant shall be issued for any sum of the public money appropriated for any public work under the management of the commissioner except on the certificate of the commissioner, or his deputy, that such sum ought to be paid to the person named therein. The warrant issued upon such certificate shall in all cases be deemed a legal tender to the person to whom it is made payable.

How warrants may issue for the payment of money.

**131.** The commissioner or his deputy may require any account sent in to him by any contractor or any person in the employ of the department, to be attested on oath, which oath as well as that to be taken by any witness, the commissioner or his assistant may administer.

Commissioner may require accounts to be sworn to.

**132.** The commissioner may send for and examine on oath all such persons as he deems necessary to examine, touching any matter upon which his action is required, and may order all such persons to bring with them such papers, plans, books, documents and things requisite for the proof of such matter and may pay such persons reasonable compensation for their time and disbursements, and such persons shall be bound to attend at the summons of the commissioner after due notice, under a penalty of twenty dollars in each case.

Commissioner may make enquiries under oath.

**133.** The commissioner shall make and submit to the lieutenant-governor an annual report on all the works under his control, to be laid before the legislature within twenty-one days from the commencement of each session, showing the state of each work, the amounts received and expended in respect thereof, with such further information as may be requisite.

Commissioner to report annually to the legislature.

**134.** It shall be the duty of the commissioner to invite tenders by public advertisement for the execution of all works made by contract, except in cases of pressing emergency, where delay would be injurious to the public interest, or where, from the nature of the works to be performed, it could be more expeditiously and economically executed by the officers and servants of the department.

Contracts for work to be given by tender. Exception.

**135.** The commissioner, in all cases where public work is being carried out by contract, shall take all reasonable

Security to be taken from contractors.

care that good and reasonable security be given in favor of Her Majesty, for the due performance of such work, within the amount and time specified for its completion; but no sum of money shall be paid to a contractor on any contract whatsoever, nor shall any work be commenced, until the contract has been signed by the parties therein named, nor until the requisite security shall have been given.

Power to make surveys &c.

**136.** The commissioner may authorize the architects, engineers, officers and contractors, servants and workmen employed by him, to enter into and upon any ground to whomsoever belonging, to survey and take level of the same, and to make such borings or sink such trial pits as they may deem necessary for any works under his management.

Power to take possession of and acquire lands.

**137.** The commissioner shall at all times have the power of acquiring and possessing for and in the name of Her Majesty, any land or real estate, the appropriation of which is in his judgment necessary for the use, construction and maintenance of any public work or building, or for the use, construction or maintenance of hydraulic privileges, made or created by, from or at any public work, or for the enlargement or improvement of such public work, or for obtaining better access thereto; and he may for such purpose, contract and agree with all persons, seigniors, bodies corporate, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on behalf of those whom they represent, whether infants, (minor children,) absentees, lunatics, married women or other persons otherwise incapable of contracting, possessed of or interested in such lands and real estate, and all contracts and agreements and other instruments made in pursuance of any contract or agreement shall be valid to all intents and purposes whatever.

Persons enabled to contract.

Power to take materials from uncleared lands.

**138.** The commissioner and his agents may enter upon any uncleared or wild land, and take therefrom all timber, stones, gravel, sand, clay or other materials, which he or they may find necessary for the construction, maintenance and repair of public works or buildings under his management, or may lay any materials or things upon any such land, for which compensation shall be made at the rate agreed on or appraised or awarded as herein provided, and the commissioner may make and use all such temporary roads to and from such timber, stones, clay, gravel, sand or gravel pits, required by him for the convenient passing to and from the works during their construction and repair, and may enter upon any land for the purpose of making proper drains to carry off the water from any public works, or for keeping such drains in repair, making compensation as aforesaid.



**139.** The compensation agreed on between the parties, or appraised and awarded in the manner hereinafter set forth shall be paid for such land, real estate, timber, stone or other material to the owners or occupants of such lands or other property, or to the persons suffering such damages aforesaid, within six months after the amount of such compensation has been agreed on or appraised and awarded. Payment of compensation.

**140.** When any such owner or occupier, refuses or fails to agree for conveying his estate or interest in such land or real estate as hereinbefore mentioned, the commissioner may tender the reasonable value in his estimation of the same, with notice that the question will be submitted to the arbitrators hereinafter mentioned; and in every case the commissioner may, three days after the agreement or tender and notice, authorize possession to be taken of the land and real estate so agreed or tendered for. Notice and tender before taking possession.

**141.** If the owners of such land or real estate, do not reside on or near the property so required, then notice shall be given in the *Quebec Official Gazette*, and in two other newspapers published in or near the district or county in which such property is situate, of the intention of the commissioner to cause possession to be taken of such lands or real estate, and after ten days from publication of the last notice possession may be taken accordingly. Notice when the owners do not reside on the land.

**142.** The commissioner may close or alter any part of a public road, where it is found to interfere with the proper line or site of any public work, as aforesaid; but before closing or altering such public road, he shall substitute another convenient road in lieu thereof; and the land theretofore used for any road, or part of a road, so discontinued may be transferred by the commissioner to, and shall thereafter become the property of the owner of the land of which it originally formed part. Power to alter the line of any public road.

**143.** Whenever it is necessary in the prosecution of any public work, for the commissioner or his contractors or servants to take down, demolish or remove the walls or fences of any property adjoining such public work, or to construct any ditches or drains for the outlet of water which shall have accumulated behind the banks of any public canal, the commissioner, or contractor, or their authorized servants shall replace the said walls and fences as soon as the necessity which caused their being taken down, demolished or removed shall have ceased to exist; and after the same have been so replaced they shall be maintained by the proprietor, in the same manner as if they had never been taken down or removed. Removal of fences adjoining any public works and construction of ditches.

#### COLONIZATION WORKS.

**144.** The commissioner, colonization agents appointed Power to lay

out colonization roads and bridges.

by him, and all persons employed to make colonization roads and bridges, under his direction, by means of grants of public money, or in part by such grants and in part by local taxes, shall have the power to lay out and construct on any lands to whomsoever belonging, roads and bridges, which they deem necessary for the development of colonization.

By whom such roads and bridges shall be kept in repair.

**145.** Such roads and bridges when built and declared to be no longer under the control of the department of public works, shall be kept in repair by the municipality or municipalities interested in their maintenance, and in default of such municipalities drawing up a *procès-verbal* concerning such roads, the commissioner may on his own authority draw up such *procès-verbal*, by an order signed by him or his assistant, which, immediately after its publication in the *Quebec Official Gazette*, shall have all the force of a by-law made under municipal authority and duly homologated.

Land to become property of Her Majesty

**146.** The lands through which such colonization roads shall have been traced and built, shall become the property of Her Majesty and whenever such lands are situated in a township no indemnity shall be payable for the ground.

Power to take wood, stone, gravel &c.

**147.** The commissioner or his agents shall have full power and authority to take from any lot of land through which such colonization roads or bridges may pass, all wood, stone, earth, gravel and sand required in their construction, and to cut down all trees to a distance of thirty feet from each side of such road or bridge, without being bound to pay any indemnity, except for clearances if there be any on the line.

No servitudes in favor of adjoining lands.

**148.** So long as a colonization road shall be under the control of the commissioner the owners of lands adjoining such road shall have no right to exact either from him or the government of this province, any servitude, as between neighbors, such as fences ditches, and the like.

Tolls may be levied.

**149.** By order of the lieutenant-governor in council, toll gates may be established on colonization roads constructed under the control of the commissioner, and tolls levied on such roads.

#### OFFICIAL ARBITRATORS.

How appointed and for what purpose.

**150.** The lieutenant governor may, from time to time, constitute a board of arbitration and appoint competent persons not exceeding three in number as arbitrators or appraisers for the province of Quebec; such arbitrators shall arbitrate on, appraise, determine and award the sums which shall be paid to any person for land or property taken for any public work or as compensation for any loss or damage caused by such taking, or in respect of any claim

arising out of any contract or agreement and with whom the said commissioner has not agreed and cannot agree; and every arbitrator shall receive such remuneration as Remuneration. may from time to time be fixed by the lieutenant-governor.

**151.** The arbitrators shall take, before the commissioner Oath of office. or some one of Her Majesty's justices of the peace, the following oath:

"I. A. B. do swear that I will well and truly hear and Form.  
 "examine into such claims as may be submitted to me for  
 "compensation for land or property, taken possession of for  
 "the use and purposes of, (or *as the case may be*) and that I  
 "will also well and truly examine into such claims as  
 "may be submitted to me for compensation for damages  
 "consequent upon the construction of public works, or  
 "for payment or allowance in respect of any contract; and  
 "that I will give a true judgment and just award thereon to  
 "the best of my knowledge and ability; and that in giving  
 "such judgment I will take in due consideration, the  
 "benefits derived and to be derived by the claimants  
 "through the construction of such public work, as well  
 "as the damages suffered thereby. So help me God."

**152.** The lieutenant-governor may appoint one or more Secretary to the arbitrators. proper persons to act as secretary or secretaries to the arbitrator or arbitrators, and may remove any such secretary, and appoint an other or others, whenever he sees fit; and he may fix the amount of remuneration to be allowed any such secretary.

#### WHAT CASES MAY BE REFERRED TO ARBITRATION.

**153.** If any person or corporation has any claim for How and in what cases claims are to be made. property taken, or for direct or consequent damage to property arising from the construction or connected with the execution of any public work commenced or performed at the expense of the province, or any claim arising out of or connected with the fulfilment of any contract for the construction of a public work, and entered into or made with the commissioner of public works, such person or corporation may give notice in writing of such claim to the commissioner, accompanied by particulars in connection therewith and the causes which have given rise thereto, and the commissioner, if he thinks it advisable to allow an arbitration, may at any time within thirty days after such notice, tender what he considers just compensation for the same, with notice that the claim will be submitted for the decision of the arbitrators appointed under this act, unless Tender of compensation by commissioner. the amount so tendered be accepted within ten days after such tender.

**154.** The tender by the commissioner shall be deemed Form of tender. to be legally made by any written authorization signed by

him, for the payment of such sum, given under the hand of the commissioner and notified to the person or body corporate making such claim; and a tender so made shall be sufficient likewise in any case of tender of compensation by the commissioner under any other section of this act.

Tender not to  
avail against  
commissioner.

**155.** The tender thus made by the commissioner shall not be taken as proof or presumptive evidence against him, but shall always be deemed to have been made with a view to conciliation

Security for  
costs by claim-  
ant.

**156.** But before any claim made under this or any other section of this act, shall be submitted to the arbitrators, the claimant shall give security to the satisfaction of the arbitrators (or any one of them) for the payment of the costs and expenses incurred by such arbitration, in the event of the award of the arbitrators being unfavorable to such claimant, or of its not exceeding the sum so tendered as aforesaid.

Claim may be  
referred to one  
or more of the  
arbitrators.

**157.** The commissioner may refer any of the claims aforesaid, either to one or to the three arbitrators as he may see fit; and when any claim has been referred to one arbitrator only, such arbitrator shall alone be entitled to receive the evidence, hear the parties and pronounce the award, and such award shall be obligatory saving the appeal hereinafter provided for; and in any case in which the claim is referred to the three arbitrators, any one of them may receive the evidence and hear the parties, and may exercise all the powers of the arbitrators, preliminary or incident to the hearing and to the taking of the evidence, which shall thereafter be submitted to all the arbitrators, and the award of the majority shall be final and without appeal.

One may take  
the evidence.

Appeal from  
award of one  
arbitrator.

**158.** If, in any case in which a claim has been referred to one arbitrator, the claimant is not satisfied with the award, he may, by a notice in writing transmitted to the arbitrator who made the award, or to the secretary of the board, within one month after notice of the award shall have been served on such claimant, appeal to the board of arbitration, and it shall be the duty of the board to hear the appellant, and to come to a decision thereon and make such award as may appear right to the whole or the majority of such board, but from such decision or award there shall be no further appeal whatever.

No further evi-  
dence in ap-  
peal unless &c.

**159.** In any case of such appeal, the appellant shall not have the right to adduce further evidence than that already given in the first instance, unless it be shewn, to the satisfaction of the board, that the existence of such further evidence has come to his knowledge since the first hearing of the case, or unless the board at the time of hearing such claimant, deems it right to allow such farther evidence.

**160.** No arbitration shall be allowed in any case in which by the terms of the contract it is provided that the decision on any differences arising out of or connected with such contract shall be left to the commissioner, or the architect, or to any engineer or officer of the department.

No arbitration when contract provides the contrary.

**161.** No claim for land or other property alleged to have been taken for, or injured by the construction, improvement, maintenance or management of any public work, or for damages alleged to have been occasioned either directly or indirectly to any such land or other property, by the construction, maintenance or management of such public work, and no claim arising out of the execution of any contract or agreement for the construction of such public work or of a part thereof, shall be submitted to, or entertained by the arbitrators appointed under this act, unless such claim and the particulars thereof have been filed with the secretary of the department within twelve months next after the loss or injury complained of, when such claim relates to the taking of, or damage occasioned to, land or other property,—and when such claim shall relate to, or be alleged to arise out of the execution or fulfilment of any contract or agreement for the construction of any public work, unless the same has been filed as aforesaid within three months next after the date of the final estimate made under such contract; but nothing in this section shall prevent the arbitrators entertaining, investigating or awarding upon any claims filed in the proper office, within the delay allowed by any act in force in the province at the time of the construction of such public work.

Limitation of time for making claims.

Provide as to claims filed under former acts.

#### POWERS OF THE ARBITRATORS, AND PROCEEDINGS BY OR BEFORE THEM.

**162.** The arbitrators may by summons or order in writing signed by any one of them or by their secretary, to be served at the last usual place of residence of the person to whom it is addressed, command the attendance of witnesses residing in any part of the province, or the production of any documents required by one or other of the parties, and may swear the said witnesses to testify truly respecting the matters on which they shall be interrogated; and the disobedience of such summons or order in writing, or neglect to attend and produce such documents, shall subject the person in default to a penalty of not less than five dollars nor more than twenty-five dollars, which shall be recovered before any justice of the peace, and levied under the warrant of such justice by distress and sale of the goods and chattels of the offender, unless the offender shews reasonable cause in justification thereof.

Power to summon witness.

Penalty for non-attendance.

As to documents to be produced.

2. But no person shall be compelled to produce any document that he could not be compelled to produce at a trial in the Superior or Circuit Court; or to attend as a witness during more than three consecutive days; and every witness shall be allowed in addition to his reasonable travelling expenses, a sum not exceeding five shillings a day, at the discretion of the arbitrators; and such remuneration shall be paid by the party requiring his attendance.

Allowance to witnesses.

Advantages as well as disadvantages of the work to be considered.

**163.** The arbitrators shall take into consideration the advantages as well as the disadvantages of such public works to the owner of the land or real estate through which the same passes, or to which they are contiguous, or as regards any claim brought before them for compensation for damages caused thereby; and the arbitrators shall in assessing the value of any land or property taken for the purpose of any public works, or in estimating and awarding the amount of damages to be paid by the department to any person, take into consideration the advantages accrued, or which may accrue to such person or his property, as well as the injury or damage which may be occasioned by such public works.

Value to be estimated as at the time of taking possession.

**164.** The arbitrators in estimating and awarding the amount to be paid to any claimant for damages done to any real estate, and in estimating the value of lands taken by the commissioner under this act, or taken by any other public functionary under any former act, shall estimate such land or real estate according to the value thereof at the time the damages complained of were occasioned, and not according to the value of the adjoining lands at the time of making their award.

Awards upon contracts.

**165.** In awarding upon any claim arising out of a contract in writing, the arbitrators shall decide in accordance with the conditions and stipulations set forth in such contract, and shall not in any case award compensation to a claimant on the ground that he expended larger sums of money in the performance of his contract, than the amount stipulated therein, nor shall they award interest on any sum of money which they consider to be due such claimant, unless interest is stipulated in such contract or agreement in writing;—and no clause in such contract stipulating a drawback or imposing a penalty for the non-performance of any condition thereof, or any neglect to complete any such public work, or to fulfil any covenant in such contract, shall be considered as comminatory, but it shall be considered as an obligation to pay, by mutual consent, any damages caused by such non-performance or neglect.

How penalties in contracts shall be considered.

Evidence to be taken in writing.

**166.** In the investigation of any claim which shall have been submitted to them, the arbitrators shall cause all legal evidence offered on either side to be taken down in

writing, and shall make a list of all plans, receipts, vouchers, documents and other papers which may have been produced before them during such investigation, but they may, with the consent in writing of the commissioner and of the opposite party, take the evidence orally of the witnesses produced on either side, without reducing it to writing. Except by consent.

**167.** The arbitrators shall deliver to the commissioner a copy of their award, and to each individual claimant a copy of so much thereof as relates to his particular claim, within one month after such decision. Copies of awards to be furnished.

**168.** The secretary to the arbitrators shall, on payment at the rate of ten cents for every hundred words, and of twenty cents additional for every certificate, deliver to any person requiring the same, certified copies of any depositions or papers taken or filed before the arbitrators. Copies of depositions &c.

**169.** If the amount awarded is greater than the amount tendered, the commissioner shall pay the costs of arbitration, but if less, the costs shall be paid by the person who refused the tender. By whom costs shall be paid.

2. Such costs shall, in either case, be taxed by a judge of the Superior Court. Costs to be taxed.

3. And whenever the claimant shall have been represented or assisted by attorney before the arbitrators, fees shall be taxed and allowed such attorney as in a contested case in the Superior or Circuit Court, according to the amount awarded. Attorney's fees

#### ARBITRATION IN CERTAIN SPECIAL CASES.

**170.** The commissioner of public works if he deems it advisable, or if he should be required so to do, by the claimants in any case hereinbefore mentioned, may under the authority of the lieutenant-governor in council, submit any or all of such claims to other than official arbitrators, such arbitrators to be appointed in the following manner : Special arbitrators in certain cases.

2. The claimant and the commissioner of public works shall each appoint an arbitrator : and the two arbitrators so appointed shall appoint a third ; and in case of disagreement the third arbitrator shall be appointed by a judge of the Superior Court, on the demand of the other two arbitrators ; How named.

3. And the three arbitrators so appointed shall have the same powers as official arbitrators for examining into and awarding upon such claim, for summoning before them, and hearing, swearing, and examining witnesses, and for compelling the production of all papers and documents. Their powers.

**171.** Any witness duly subpoenaed who neglects or refuses to appear before such arbitrators, or to be sworn, or to answer any interrogatories submitted to him, or who Penalty for non-attendance of witnesses.

refuses to produce any documents required of him, shall be liable for the penalty mentioned in the one hundred and sixty-second section of this act, in the same manner and under the exemptions and modifications set forth in such section, and the penalty shall be recovered in the manner therein prescribed, and such witnesses shall have a right to be taxed in the manner therein provided.

Security to be  
given by  
claimant.

**172.** The claimant shall give, to the satisfaction of the arbitrators appointed under the two preceding clauses, security in the cases provided for, in the manner and for the purposes mentioned in the one hundred and fifty-sixth section of this act.

Award to be  
final.

**173.** The award of such arbitrators or of a majority thereof shall be final and without appeal.

Cost by whom  
paid, &c.

**174.** The costs incurred in any arbitration made under one hundred and seventieth section shall be borne and paid in the manner mentioned in the one hundred and sixty-ninth section of this act, and taxed in the manner prescribed by the said section, and the remuneration to be allowed such arbitrators, shall be fixed in the same manner as for official arbitrators.

#### CONFIRMATION OF TITLES RELATIVE TO PROPERTIES.

Compensation  
to represent  
land as regards  
hypothees, &c.

**175.** Compensation awarded by arbitration, in respect of lands which may have been taken under the present act without the consent of the owner thereof, or in respect of which there shall be an agreement between the commissioner and the party who may under this act legally convey such lands, or who is legally in possession thereof as owner, shall be valid in respect of such lands; and any claim, hypothec, or encumbrance on such lands shall be converted into a debt payable out of such compensation money.

In certain  
cases compen-  
sation may be  
paid into court  
and confirma-  
tion of title ob-  
tained.

**176.** If the commissioner has reason to believe that such land is encumbered with claims or hypothees, or if the party to whom the whole or a part of such compensation money is payable refuses to execute the conveyance thereof and give proper security, or if the party who has a right to such compensation money cannot be found or is unknown to the commissioner, or if for any other reason the commissioner deems it advisable, he may pay such compensation money into the hands of the prothonotary of the Superior Court for the district in which such land is situated, with six months interest thereon, and deliver to the prothonotary an authentic copy of such conveyance, (or of the award of the arbitrators, if there is no such conveyance, and such award shall be regarded for the future as the title of her majesty to the land therein mentioned,) and on petition by the crown, measures shall be taken for



the confirmation of such title,—except that in addition to the ordinary contents of the notice the prothonotary shall announce that such title (that is to say the conveyance or the award of the arbitrators) is under this act, and shall require all persons who have any claim to such land or to any part thereof, or the representatives or husband of any person having any claim thereto, to file their oppositions for such claims to the compensation money either in whole or in part ;—and all such oppositions shall be received and adjudicated upon by the court, and the judgment in confirmation shall finally dispose of all claims to such lands or to any part thereof as well as of all incumbrances and hypothecs.

**177.** The court shall, for the distribution, payment or investment of the compensation money, and for securing the rights of all interested parties, make all the provisions required by law and justice ; and the costs of such proceedings, either in whole or in part, shall be paid by the commissioner or by any other person whom the court may deem it just to condemn so to do. Court to regulate the distribution of the money, &c.

**178.** If the judgment in confirmation is obtained in less than six months from the payment of the compensation money into the prothonotary's hands, the court may order a proportionate part of such interest to be returned to the commissioner ; and if by reason of any error, mistake or negligence in the proceedings on the petition in confirmation of title, such confirmation of title is not obtained until after the expiration of six months the court shall order that the interest for any subsequent period which it deems reasonable, be paid to the party having a right thereto. How payment of interest shall be regulated.

#### RESUMPTION OF PUBLIC WORKS.

**179.** The lieutenant-governor may at any time order the commissioner to re-enter into possession of any public work or building, in consequence of the termination of any lease, charter, or agreement whatever, of the taking effect of a resolatory condition, as well as for non-fulfilment of any contract or for any other cause of rescission, or for public purposes. In certain cases lieutenant-gov. may order the resumption of public works.

**180.** Such order in council must be served on the holder of such public work or building, or on his representatives on the spot, and immediately after such service the commissioner or any person authorized by him for such purpose, may, without any other formality, take possession of the public work or building specified in the order in council ; without prejudice to any recourse for indemnity by the party dispossessed if he deems himself aggrieved thereby. Formalities in such cases.

**181.** Should the holder or his representatives refuse or Proceedings in

case of refusal to deliver up.

neglect to deliver up such public work or building to the commissioner of public works or to any person deputed by him, the sheriff of the district in which such public work or building is situated, shall, immediately after the service of the order in council aforementioned, under a warrant signed by the lieutenant-governor, be bound to seize such public work or building and to maintain the commissioner or any person deputed by him in the possession thereof.

#### SALE AND TRANSFER OF PUBLIC WORKS TO LOCAL AUTHORITIES.

Works may be declared no longer under control of commissioner.

**182.** The lieutenant-governor may, by proclamation declare any public road or bridge, under the management or control of the commissioner, to be no longer under his control; and upon, from, and after a day to be named in the proclamation, such road or bridge shall cease to be under the management and control of the commissioner, and no toll shall thereafter be levied on such road or bridge under the authority of this act.

How they shall then be kept up.

**183.** Any public road or bridge, declared as aforesaid, to be no longer under the management of the commissioner, shall be under the control and shall be maintained and kept in repair by the municipalities or other local authorities, and the road officers thereof, in like manner with other public roads and bridges therein under their control.

Power to enter into arrangements for transfer of works to local authorities &c.

**184.** The commissioner may enter into arrangements with any municipal council or other corporation or local authority or with any company incorporated for the purpose of constructing or maintaining such work or works of a like nature in the province, for the transfer to them of any public roads, bridges, buildings or other public works, (whether within or without the limits of the local jurisdiction of such municipal councils or other authorities), which it is deemed advisable to place under their management; and on the completion of such arrangements, the lieutenant-governor may grant, and in so granting transfer and convey for ever, or for any term of years, all or any of such roads and bridges, buildings or other public works to such municipal council or other local authority or company (hereinafter called "grantee,") upon such terms and conditions as shall have been agreed upon; and notwithstanding any thing contained in this or any other act, the said municipal councils or other local authorities may make such arrangements and may take possession of any works so transferred.

Transfer how made.

Form and effect of such transfer.

**185.** Any such grant may be made by an order in council published in the *Quebec Official Gazette*; and by such order all the powers and rights vested in the crown or in any other public officer or department, in respect of such

public work, may be vested in the grantee of such public work.

2. And such order in council may contain any conditions, clauses and limitations which shall have been agreed upon, which as well as all the provisions of such order in council, shall (in so far as they are not inconsistent with this act) have force and be obeyed as if they had been contained in this act and had made part of the enactments thereof;

Conditions and limitations of the grant.

3. And any such order in council may with the consent of the grantee, be revoked or amended by any subsequent order in council published as aforesaid; and a copy of the *Quebec Official Gazette* containing such order in council shall be evidence thereof, and the consent by such grantee thereto shall be presumed unless it is disputed by the grantee, and if disputed it shall be proved by a copy of such order in council, on which the consent of the grantee shall be written and attested by such signature or seal, or both, as would be sufficient to make any deed or agreement, the deed or agreement of such grantee.

Revoking and amending the grant.

186. The provisions and conditions of any order in council made under this act may extend to the mode of adjusting and determining any difference arising between the crown and any municipal corporation, local authority or company as to their respective rights under the same,—or to the reservation by the crown of the right of re-entry into possession of any public works, in default of such corporation, authority, or company to perform the conditions agreed upon and to vest the sheriff with power to give possession of such public work to any public officer in the name of the crown on any a warrant under the hand and seal of the lieutenant-governor, to be addressed to such sheriff, reciting such default and commanding him to give such officer possession, in the name of the crown as aforesaid; and no enactment made for the purpose of enforcing the provisions of any such order in council as aforesaid, shall be deemed an infringement of the rights of the municipal corporation, local authority or company to which it relates; but nothing in this section shall prevent the enforcement of the rights of the crown, in any legal manner, not inconsistent with the conditions and provisions of such order in council.

What the conditions of the grant may extend to.

Enactments may be made for enforcing conditions.

187. No public road, bridge or work shall be conveyed to any company unless such conveyance reserves to the crown the right to retake such road, bridge or work, at any time, after the expiration of same period not to exceed ten years, on the conditions which shall be set forth in the order in council relating to such conveyance, and no such public road, bridge or work shall be leased to any company for any greater length of time than ten years

No works to be conveyed except with certain reservations.

188. No public bridge, road, or work shall be sold or

Security to be

given in case  
of conveyance.

leased to a company, unless real or personal security to the satisfaction of the lieutenant-governor in council be given for an amount equal to ten per cent of the actual value of such public road, bridge or work, in the case of sale, or of the estimated value of such work in the case of lease, and such security shall be forfeited to the crown in case of the non-fulfilment of the conditions of the sale or lease.

Work trans-  
ferred to be  
kept in repair.

**189.** One of the conditions of the lease or transfer of any public road, bridge or work shall be,—that such work shall be kept in thorough repair, and that for all the purposes of such contract sale or lease the sufficiency of such repair shall be ascertained and decided upon by an engineer who shall be appointed by the commissioner to examine the same.

Persons may  
be appointed  
to inspect toll-  
bridges and re-  
port.

**190.** The commissioner, whenever he shall deem it desirable, or whenever he shall be required so to do by one or more persons, may cause that any toll-bridge be inspected, by any officer of his department, or by any other competent person, appointed by him for such purpose, with instructions to draw up a detailed report of the condition of the bridge, subjected to such inspection, the said report to indicate whether such bridge stands in need of immediate repairs, or whether it should be entirely rebuilt, and to specify the delay within which such repairs or reconstruction may be accomplished.

Report and  
order thereon  
to be served on  
bridge-keeper.

2. Such report shall be submitted to the commissioner, who, if he approve thereof, shall take such action thereupon as he deems just, and shall cause the bridge-keeper, either personally or at his residence, be served with a copy of the said report and of his order thereupon.

Proceedings in  
case order is  
not complied  
with.

3. If, at the expiration of the delays fixed in the order of the commissioner, for the commencement, or completion of the works ordered, the owner of the bridge or the lessee thereof, have neglected to begin or to complete the said works, the commissioner after having himself established such default, or after having caused the same to be established, shall make a report thereof to the lieutenant-governor in council, and on such report of the lieutenant-governor in council, may, by proclamation order that such bridge be closed, and declare the proprietor thereof to have forfeited the privilege of exacting tolls for passage over the same, together with all other the privileges conferred upon him by the act respecting such bridge; in the case of any lessee of a bridge belonging to the province, the proclamation ordaining the closing of the same, shall declare such lessee to have forfeited all the rights and privileges, arising from his lease.

Proclamation  
to be pub-  
lished.

4. Such proclamation shall be published in the *Quebec Official Gazette*, and shall have the force of law from the day of the publication thereof.

5. From the day of the publication of such proclamation, the bridge mentioned therein shall become the property of the province, and the lieutenant-governor in council may transfer the property therein and the control thereof, either to the municipality in which the same is situate, or to any other neighboring municipality, together with all the rights and privileges which the former proprietor thereof enjoyed, upon such transferee becoming bound to perform upon such bridge the work ordered by the commissioner, and to keep the same for the future in good repair.

After the publication bridge to belong to the province and may be transferred to a municipality.

191. Public bridges generally shall be subject to inspection by the commissioner or his delegates, in the same manner as toll-bridges, and whenever work ordered to be done upon them, after such inspection, shall not have been begun or terminated within the prescribed delay, the lieutenant-governor in council, may by proclamation order that such bridge be closed, until the said work is fully executed

Public bridges to be subject to inspection, and work thereon compelled.

192. The costs incurred in the inspection of any bridge demanded as hereinbefore set forth, shall be borne by the proprietor or lessee thereof, as the case may be, in the event of the commissioner deciding that it is necessary to have such bridge repaired or rebuilt, and in the event of his deciding otherwise they shall be borne by the complainants; and such costs may be recovered in the name of her majesty, and before any competent court.

Costs of inspection how borne and recovered.

193. The provisions of the act twelfth Victoria, chapter fifty-six, shall, subject to the provisions of this act, extend and apply to any company, which shall be established in this province, for the purpose of acquiring in perpetuity, or for a certain number of years, any roads, buildings or other public works which may, under this act, be legally transferred to any such company, or for the purpose of acquiring and improving or extending such public works, or in either case, and as fully as if such purpose was expressly set forth in the said act (12 Vic., c. 56,) among the objects for which such company might be established under its authority; and the form for the act of association given in the schedule to the said act, may be so changed as to shew that the company is formed under the said act within the meaning of the present act, and for what purpose it is so established.

12 V. C. 56 extended to companies formed for certain purposes connected with public works.

2. Provided always, that no company to be so formed for the purpose of acquiring any such public works (whether with or without the intention of extending the same) shall be liable to be opposed or prevented from acquiring such work or from using and working the same, by any municipal council or other party, nor shall the company be bound to make any report respecting such

Proviso, companies so formed to be free from intervention of municipal councils.

works to any municipal authority; nor shall such municipal authority or the crown have the right of taking such work at the end of any term of years:—but the provisions of the said act (12 Vic., c. 56) as to such opposition and prevention, or to such report, or to the taking of the works and property of the company by any municipal authority or by the crown, shall apply only to the extension of the same beyond the limits of the works when transferred to the company;

Said act not to apply if inconsistent with any order in council made under this act.

3. Nor shall any of the provisions of the said act (12 V. c. 56), inconsistent with any lawful provision or condition in any order in council legally made under this act, or with the rights transferred by the same, apply to the company to which such order in council relates; but nothing herein shall prevent the reservation in any such order of the power of taking any such work with or without any such extension, and by the crown or any such municipal authority on the terms and conditions therein to be expressed;

Sec. 35 of said act to apply to works transferred to companies.

4. Provided always that the thirty-fifth section of the act above cited, shall apply to roads, bridges and other works transferred to any company, and to the company to whom the same have been transferred as far as regards such roads, bridges and works.

Tolls to be taken by such companies to be regulated by order in council &c.

**194.** The tolls to be taken by any company to be formed for the purposes aforesaid, on any such public work not being a road shall not be regulated by the provisions of the act (12 V. c. 56) first mentioned, but the maximum tolls to be levied on such work must be fixed by the order in council transferring the work to the company, or by some further order amending the same, made with the consent of the company;—and the tolls to be levied on any road, or on any extension of such other public works shall be regulated exclusively by the act first mentioned, in the absence of any provision establishing lower rates in the order in council as aforesaid.

Proviso, as to exemptions from toll.

2. Provided always, that no exemption from tolls on any road or public work so transferred, or on any extension thereof, shall be valid against any company to be formed under the next preceding section of this act, except such only as can validly be claimed under the act 12 V. c. 56—first mentioned, on the works constructed under the authority thereof unless such exemption from toll is stipulated in the order in council transferring such public work to the company.

How persons residing within half a mile from a city may commute their tolls.

**195.** Any party residing on the line of any road transferred or any company or municipal corporation under the provisions of this act, and within half a mile of any city or incorporated town, may commute with such company or municipal corporation for a certain sum per month, to be

paid by such party to the company or corporation for passing and re-passing through the toll-gate, between the residence of such party and the limits of such city or town, and in default of agreement, such commutation may be fixed by arbitration, each party appointing an arbitrator, and the two arbitrators a third, and the decision of any two of such arbitrators being final;

2. And in default of commutation, either by agreement or award of arbitration, such company or municipal corporation should be entitled to charge such party or his servants and others passing such gate with his carriages or vehicles, horses or cattle, such tolls only as will bear the same proportion to the tolls per mile then charged by the company or municipal corporation to other parties, as the distance between the limits of the said city or town and the residence of the party first aforesaid bear to one mile.

What tolls may be charged in default of commutation.

#### TOLLS ON PUBLIC WORKS.

**196.** The lieutenant-governor may, by an order in council issued for such purpose and published as hereinafter provided, impose and authorize the collection of tolls and dues upon any road, bridge, ferry, or other public works belonging to her majesty, or under the control and management of the commissioner,—and from time to time, in like manner, may alter, modify and change such tolls or dues and declare the exemptions therefrom; and all the tolls and dues shall be payable in advance and before the right to the use of the public work in respect of which they are incurred shall accrue, if so demanded by the collector thereof.

Lieut.-gov. in council may impose tolls for use of public works.

**197.** The lieutenant-governor in council, may from time to time, on the report of the commissioner, place the toll-gates on the said roads, at such places and distances from each other as appear to him advisable.

And may fix places for toll gates.

**198.** Her majesty's officers and soldiers, being in proper uniform, dress or undress (but not when passing in any hired or private vehicle) and all carriages and horses employed in her majesty's service, when conveying persons or baggage, shall be exempt from the payment of any tolls or dues on using or travelling over any road or bridge under the control of the department.

Exemptions from toll in favor of H. M. troops.

**199.** All tolls and dues imposed under this act may be recovered, with costs, in any court having civil jurisdiction to the amount, by the collector or person appointed to receive the same, in his own name or in the name of her majesty, and by any form of proceeding by which debts to the crown may be recovered.

Recovery of tolls.

**200.** All penalties imposed by this act, or by any regulation made under the authority thereof, shall be recovered

Recovery of penalties.

able with costs before any justice of the peace for the district, county or place in which the offence was committed, upon proof by confession of the party, or by the oath of any one credible witness ; and such penalty if not forthwith paid may be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such justice of the peace ; and if sufficient distress cannot be found, and such penalty be not forthwith paid, such justice of the peace may, by warrant under his hand and seal cause the offending party to be committed to the common gaol of the district or county, there to remain without bail or mainprise for such time as such justice may direct, not exceeding thirty days, unless such penalty and costs be sooner paid ; and the said penalty shall belong to her majesty for the use of the province.

Animals attached to vehicles, and goods etc. therein, liable to seizure and sale for tolls.

**201.** Any animal or animals attached to any carriage or vehicle, and the goods contained therein, to whomsoever the same belong, shall be liable for any tolls, dues, or fines so imposed and levied, and the whole or any part of such articles, may be seized, detained and sold in the same manner as the carriage or vehicle in which they are or to which they may be attached, as if they belonged to the person contravening any such regulation, saving the recourse of the real owner thereof against such person who shall be deemed the owner for the purposes of this act.

Moneys from tolls to be paid over to treasurer.

**202.** All tolls dues or other revenues imposed and collected on public works shall be paid by the person receiving the same to the treasurer of the province, in such manner and at such intervals as may be appointed by him, but such interval shall in no case exceed one month.

Tolls on public roads may be let out to farm.

**203.** The lieutenant-governor may order the tolls at the several gates erected or to be erected on any public road or bridge vested in the crown, under the management of the commissioner, to be let to farm under such regulations and by such form of lease as he thinks expedient ; and the lessee or farmer of such tolls or any other person authorized by him may demand and take such tolls and proceed for the recovery of the same in the name of such lessee or farmer, in case of non-payment or evasion thereof, in the same manner, and by the same means, which the law gives to any collector of tolls or other persons authorized to collect the same.

#### REGULATIONS FOR USE OF PUBLIC WORKS.

Lieut. gov. in council may make regulations for such use.

**204.** And for the due use and proper maintenance of all public works and to advance the public good, the lieutenant-governor may, by order in council, enact from time to time such regulations as he may deem necessary for the management proper use and protection of all or



any of the public works, or for the ascertaining and collection of the tolls, dues and revenues thereon.

**205.** The lieutenant-governor may, by such orders and regulations, impose fines, not exceeding in any one case, four hundred dollars, for any contravention or infraction of any such order or regulation, as he deems necessary for ensuring the observance of the same and the payment of the tolls to be imposed as aforesaid, and may also by such orders and regulations provide for the non-passing or detention and seizure, at the risk of the owner, of any carriage, vehicle, animal, timber, or goods on which tolls or dues have accrued and have not been paid, or in respect of which any such orders or regulations have been contravened or infringed, or any injury done to such public works and not paid for, or for or on account of which any fines have been incurred and remain unpaid, and for the sale thereof if such tolls, dues, damages or fines be not paid by the time to be fixed for the purpose, and for the payment of such tolls, dues, damages or fines out of the proceeds of such sale, returning the surplus, if any, to the owner or his agent; but no such provision shall impair the right of the crown to recover such tolls, dues, fines or damages in the ordinary course of law; and any such tolls, dues or fines may always be recovered under this act.

And impose fines for contravention.

Or may authorize seizure and sale of vehicles contravening regulations.

Proviso. rights of the crown saved.

**206.** All proclamations, regulations or orders in council made under this act, shall be published in the *Quebec Official Gazette*, and a copy of such gazette purporting to have been printed by the queen's printer, and containing any such proclamation, order and regulation, shall be legal proof of the tenor and effect thereof.

Regulations &c. to be published in Official Gazette.

**207.** Chapter twenty-eight of the consolidated statutes of Canada, as amended by the act twenty-ninth Victoria, chapter seven, is repealed.

C. S. C. c. 28 as amended by 29 V. c. 7 repealed.

**208.** Chapter thirty-two of the consolidated statutes of Canada, as amended by the acts twenty-fourth Victoria, chapter four, twenty-fifth Victoria, chapter seven, twenty-seventh and twenty-eighth Victoria, chapter fifty, twenty-ninth Victoria, chapter ten and twenty-ninth and thirtieth Victoria, chapter eighteen, or any other act, is hereby repealed, save and except section eighty-five of the said chapter thirty-two.

C. S. C. c. 32 as amended by 24 V. c. 4, 25 V. c. 7, 27, 28 V. c. 50, 29 V. c. 10, 29, 30 V. c. 18 repealed, except s. 85.

## SCHEDULE A.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of the *Act respecting the Department of Agriculture and Public Works*, to be called the (County, Electoral Division, township or branch, as the case may be,) Agricultural Society of the County (or Electoral Division) of (or Township of