

C A P. L X X I.

An Act to incorporate the Town of St. Germain of Rimouski.

(Assented to 5th april, 1869.)

WHEREAS the inhabitants of that part of the parish of Preamble. St. Germain of Rimouski, in the county of Rimouski, bounded as follows, to wit, "in front by the river St. Lawrence; in rear by a straight line, drawn by a surveyor, at right angles to the by-road leading to the church, at a distance of twelve arpents from the said river; towards the south-west, by the property of Germain Langis, and the lot of land and residence of François-Magloire Derome, esquire, inclusively, and towards the north-east, by the land of Hubert St. Laurent, also inclusively, have, by reason of the increase of the population of the territory hereinabove described, and of the necessity that exists for constituting the same into a corporation, prayed for the erection of the said territory, including the village of St. Germain of Rimouski, into a town, to bear the name of and to be known as "The town of St. Germain of Rimouski," and whereas it is expedient to grant their prayer; therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. From and after the passing of this act, the territory hereinabove described shall be and shall constitute a town Town incorporated. under the aforesaid name of "the town of St. Germain of Rimouski," and the inhabitants resident within the same shall be a body politic and corporate, distinct from the county municipality of Rimouski and from the municipality of the parish of St. Germain of Rimouski, and, as such, they shall have perpetual succession and a common seal, together with all the powers and privileges, conferred upon town municipalities by chapter twenty-four of the C. S. L. c. 24. Consolidated Statutes for Lower Canada; and such powers and privileges shall be exercised by, and in the name of, the corporation of the said town of St. Germain of Rimouski.

2. The corporation shall be represented by a council, Town council. constituted in the manner prescribed in and by the statute hereinabove cited, and the said council shall be therefore called "The municipal council of the town of St. Germain of Rimouski," and shall possess and exercise all the powers by the said statute conferred on town councils.

3. The first general election of councillors for the said town shall be held within the limits thereof, during the month next after the passing of this act, after notice thereof has been lawfully given, in conformity with the provisions First election of councillors.

of the said chapter twenty-four of the consolidated statutes; and the said election shall, in respect of all subsequent elections, be deemed to have been held on the second Monday of the month of January, one thousand eight hundred and sixty-nine, and such subsequent elections shall be held at the times and in the manner prescribed in and by the said chapter twenty-four.

Extract from
roll of present
municipality
to be furnish-
ed to the new
municipality.

4. The secretary-treasurer of the existing municipality of St. Germain of Rimouski shall furnish to the registrar of the second registration division of the county of Rimouski, within eight days after his demand therefor, a true and duly certified copy of that part of the assessment roll of the said municipality which contains the names of the free-holders and heads of families assessed in it, in consideration of real estate situate, either in whole or in part, within the limits of the said town, together with the amount of the assessed value of such real estate, by reason whereof the said free-holders are respectively assessed upon the said roll; the said extract to avail at the said election and for all other lawful purposes whatsoever.

Both municipi-
palities to
maintain the
bridge in re-
pair.

5. The corporation of the said town, and the municipality of St. Germain of Rimouski, shall, at their joint expense, be bound to maintain in proper repair, and rebuild, when it becomes necessary to do so, the bridge now in existence over the Rimouski river, which bridge shall be the common property of both; and they may appoint arbitrators to determine all differences, which their several obligations, in respect thereof, may give rise to between them.

Arbitrators in
case of diffe-
rence.

6. If both the said municipalities do not agree on the necessity of having an arbitration, one of them may appoint an arbitrator, and may at the same time require the municipality which has refused so to do, to appoint an arbitrator on its own behalf, within eight days after a notice in writing to such effect containing such other appointment, shall have been for such purpose served upon it.

Appointment
of arbitrator
for municipa-
lity failing to
name one.

7. If the municipality so notified neglects or refuses to comply therewith, the municipality in the name whereof such summons shall have been made, or in default the secretary-treasurer thereof, in its name, may, after the expiration of the said delay, present to the Superior Court, sitting in the district, or in vacation, to the prothonotary of the said Court, a petition, which shall have been previously duly served upon the party interested, with a view to obtain, on allegation of such facts, the appointment of an arbitrator on behalf of the municipality in default, for the purposes aforesaid.

Duties and
powers of arbi-
trators.

8. All arbitrators appointed, either by the judge, by the prothonotary or by the municipalities themselves, shall proceed to render their award within ten clear days from the date of their appointment as aforesaid; and for the purposes

of summoning and compelling witnesses to appear before them, when the same is necessary, and of obtaining the production of all papers and documents, whereof it is advisable that they should have communication, they shall exercise all the powers and authority of a judge in such case, and before acting, they shall be sworn before the said prothonotary, or before any commissioner of the Superior Court; and to provide for the case of a difference of opinion, whether the appointments are made by the judge, prothonotary or municipalities themselves, the instrument thereof shall also appoint an umpire, who shall decide between them, and pronounce the award of the majority of the arbitrators and umpire.

10. The award either of both arbitrators, or of one of them and the umpire, shall be by them at once lodged in the office of any notary residing within the limits of the said town, who shall, as the lawful trustee thereof, preserve the said award as a minute, to the end that he may deliver copies thereof duly authenticated, on demand, unto the parties therein interested.

Awards of arbitrators to be deposited as minutes.

11. If within eight days from the service of the said award of the arbitrators upon the municipality in default, such municipality refuses or neglects to comply therewith, then and in such case the other municipality may itself perform the things ordered, and the work prescribed, by the said award, reserving its recourse before any competent court, against the municipality so refusing to act, for the amount expended on that portion of the said work, which such municipality was bound to execute at its own expense.

Refusal of municipality to comply with award.

12. All services of notices, requisitions or papers of any nature whatsoever, to be made by one municipality on the other shall be made by a bailiff or other reasonable person, who, if so required shall make a return thereof under oath, and such services, when made upon the mayor or secretary-treasurer of the municipality, to which they are directed, shall be valid and shall have full legal effect.

How services may be made.

13. All the councillors for the time being of the municipality of St. Germain of Rimouski, who reside within the limits of the said town, shall from the date of the passing of this Act cease to be councillors thereof, nor shall the officers of the said Council levy any assessment imposed by it for the current year upon the real estate, or any part of the real estate, situate within the aforesaid limits.

Property and councillors in the town to cease to belong to former municipality.