



CHAPTER 124

An Act to incorporate the town of Malartic

[Assented to, the 28th of April, 1939]

WHEREAS Canadian Malartic Gold Mines Limited, Preamble.
a body politic duly incorporated, having its head office in the city of Toronto, Province of Ontario; Arthur M. Jacques, accountant, of Norrie, Province de Quebec; Joseph Paul Rémy, accountant, of Malartic, Province of Quebec; Cyrille Bolduc, carpenter, of Malartic, Province of Quebec; Melvin A. Thomson, banker, of Montreal, Province of Quebec; William Hetherington, engineer, of Malartic, Province of Quebec, and Charles A. Magnan, theatre owner, Malartic, Province of Quebec, have, by their petition, represented:

That, since several years, a great number of persons have obtained mining concessions in the township of Fournière, Abitibi County, and are and will continue operating the mines situated in that territory;

That the works in course of execution in said township, and the working of the plants and factories to be erected there, will create a considerable influx of people to the territory described in section 2 of this act;

That a great number of persons will be obliged to reside in that territory as owners, lessees or occupiers of mines and quarries;

That a large portion of such territory will be subdivided into building lots; that dwellings, churches, schools and other buildings will be erected there; that waterworks, lighting and drainage systems will be installed, and that all other public services required to make of the proposed municipality a modern town and to assure the welfare of its inhabitants will be established there;

That it is therefore desirable to erect the territory in question into a town municipality;

Whereas a prayer to that effect is contained in the said petition; and

Whereas it is expedient to grant the prayer of the petitioners;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Short title.

1. This act may be cited as "Charter of the Town of Malartic".

Territory
comprising
town.

2. The town of Malartic shall comprise the following territory, situated in the township of Fournière, Abitibi County;

Blocks 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 and the Mining Claims A-40350, A-40351, A-40352, A-40353, A-42995, A-42996, A-45643, and A-45644; the whole as shown on the plan drawn by Messrs. Deschenes and Dumas, Land Surveyors.

This territory may be more accurately described as follows, to wit:

Starting at the intersection point of the eastern boundary of Block 20 with the line of Malartic-Fournière townships, which point is situated at a distance of 9.115 chains from the point of intersection of the central line of Fournière township with the line of the townships (this point is marked by an iron post, a wooden post and a mound of earth). Leaving the said intersection point as above described and following the eastern boundary of Block 20 in a direction south $1^{\circ}59'$ east, astronomical, a distance of 21.16 chains, more or less; thence,

Following the eastern boundary of Block 19, in a direction south $4^{\circ}17'$ east, astronomical, a distance of 20.72 chains, more or less; thence,

Following the northern boundary of Block 18, in a direction south $85^{\circ}28'$ east, astronomical, a distance of 21.45 chains, more or less; thence,

Following the northern boundary of Mining Claim A-40352, in a direction north $82^{\circ}11'$ east, astronomical, a distance of 25.74 chains, more or less; thence,

Following the northern boundary of Mining Claims A-40350 and A-42995, in a direction north $73^{\circ}05'$ east, astronomical, a distance of 41.16 chains, more or less; thence,

Following the eastern boundary of Mining Claim A-42995, in a direction south $7^{\circ}33'$ east, astronomical, a distance of 17.80 chains, more or less; thence,

Following the northern boundary of Block 22 in the directions, astronomical, north $74^{\circ}40'$ east 32.21 chains, south $10^{\circ}57'$ west 16.81 chains, south $13^{\circ}06'$ west 18.84 chains, south $83^{\circ}18'$ east 27.21 chains, north $85^{\circ}25'$ east 29.67 chains, the distances being more or less; thence,

Following the eastern boundary of Block 22, in the directions, astronomical, south $14^{\circ}18'$ east 23.12 chains, south $3^{\circ}40'$ east 19.03 chains, south $5^{\circ}03'$ east 23.26 chains, the distances being more or less; thence,

Following the southern boundary of Block 22, in the directions, astronomical, south $80^{\circ}07'$ west 25.84 chains, north $87^{\circ}03'$ west 29.90 chains, south $84^{\circ}21'$ west 26.60 chains, north $83^{\circ}10'$ west 25.90 chains, south $83^{\circ}42'$ west 23.81 chains, the distances being more or less; thence,

Following the western boundary of Block 22, in a direction north $9^{\circ}16'$ west, astronomical, for a distance of 5.32 chains, more or less; thence,

Following the southern boundary of Block 10, in a direction south $83^{\circ}02'$ west, astronomical, a distance of 24.84 chains, more or less; thence,

Following the southern boundary of Block 14, in a direction south $83^{\circ}06'$ west, astronomical, a distance of 25.98 chains, more or less; thence,

Following the southern boundary of Block 11, in a direction north $84^{\circ}47'$ west, astronomical, a distance of 45.36 chains, more or less; thence,

Following the western boundary of Block 11, in a direction north $14^{\circ}24'$ west, astronomical, a distance of 39.35 chains, more or less; thence,

Following the southern boundary of Block 5, in a direction north $86^{\circ}23'$ west, astronomical, a distance of 23.68 chains, more or less; thence,

Following the western boundary of Block 5, in a direction north $2^{\circ}36'$ east, a distance of 20.55 chains more or less; thence,

Following the western boundary of Block 1, in a direction north $4^{\circ}06'$ east, astronomical, a distance of 39.375 chains, more or less; thence,

Following the western boundary of Mining Claim A-45644, in a direction north $5^{\circ}36'$ east, astronomical, a distance of 18.64 chains, more or less; thence,

Following the western boundary of Mining Claim A-45643, in a direction north $0^{\circ}43'$ east, astronomical, a distance of 20.85 chains, more or less; thence,

Following the northern boundary of Mining Claim A-45643, which is at the same time the line separating the townships of Malartic and Fournière, in a direction north $89^{\circ}54'$ east, astronomical, a distance of 25.05 chains, more or less; thence,

Following the northern boundary of Blocks 15 and 20 which is at the same time the line separating the townships of Malartic and Fournière, in a direction east, astronomical, a distance of 50.15 chains, more or less, to the starting-point.

The territory so bounded contains an area of two thousand five hundred and ninety acres, more or less, English measure.

The courses given in this description are astronomical and the distances in English measure.

Incorporation.

3. The inhabitants and ratepayers of the territory mentioned in section 2, as well as all those who may join or succeed to them, are incorporated as a town under the name of "Town of Malartic".

Name.

Governing provisions.

4. The corporation shall be governed by the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), with the exception of such sections and cases as are specially derogated from by this act or by the inconsistent provisions it may contain.

Wards.

5. The town shall comprise but one ward until the first general election; it may afterwards be divided into several wards according to law.

Provisions not applicable.

6. Sections 17, 18, 19 and 21 of the said Cities and Towns' Act shall not apply to the town of Malartic.

R.S., c. 102, s. 22, replaced for town.

7. Section 22 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following:

Holding of first general sitting.

"22. The first general sitting of the council shall be held at the time and place determined by the Minister of Municipal Affairs, Trade and Commerce. Until the

mayor is elected by the council and sworn in, such sitting shall be presided over by an alderman chosen among the aldermen present."

8. Sections 23 and 24 of the said Cities and Towns' Act shall not apply to the town of Malartic. Provisions not applicable.

9. Section 47 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following: R.S., c. 102, s. 47, replaced for town.

"**47.** The municipal council shall be composed of six aldermen, one of whom shall also be mayor, elected for the period and in the manner hereinafter prescribed." Composition of council.

10. Sections 48 and 49 of the said Cities and Towns' Act shall not apply to the town of Malartic up to the first juridical day of February, 1942, and during said period the following provisions shall apply to the said town: Provisions not applicable during certain period.

"*a.* The following persons: Arthur M. Jacques, accountant, of Norrie, Province of Quebec; Joseph Paul Rémy, accountant, of Malartic, Province of Quebec; Cyrille Bolduc, carpenter, of Malartic, Province of Quebec; Clifford A. Fox, accountant, of Malartic, Province of Quebec; William Hetherington, engineer, of Malartic, Province of Quebec, and Alcide Béland, merchant, of Malartic, Province of Quebec, and their successor or successors as herein provided for, shall be the members of the municipal council of the town of Malartic up to the first juridical day of February, 1942, provided that they are British subjects; Provisions applicable during such period.

b. At the first meeting of the said municipal council, the persons composing the said council shall choose amongst themselves one who will discharge the functions of mayor for the said period, to wit: up to the first juridical day of February, 1942;

c. During said period, the members of the council shall not be obliged to reside within the limits of the municipality;

d. If, during said period, the office of mayor becomes vacant, or if any vacancy occurs in the office of alderman, the municipal council, by resolution, shall fill the vacancy in the office of mayor or alderman, as the case may be, subject to the approval of the Minister of Municipal Affairs, Trade and Commerce. The person so chosen to act as mayor or alderman shall not be obliged to reside within the limits of the municipality;

e. On the first juridical day of February, 1942, the first general election shall be held and there shall be elected three aldermen to replace Cyrille Bolduc, William Hetherington and Arthur M. Jacques or their respective successor; such election shall be made according to the Cities and Towns' Act, and on the first juridical day of February, 1944, another election shall be held to replace Alcide Béland, Joseph Paul Rémy and Clifford A. Fox, or their respective successor, in order that every successive second year thereafter three aldermen be elected."

R.S., c. 102,
s. 48, re-
placed for
town.

11. Subject to the provisions of section 10 of this act, section 48 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following:

Choosing of
mayor.

"**48.** The mayor shall be chosen from among the aldermen and elected by them at the first general meeting of the council held after each general election of the aldermen or after any vacancy occurring in the said office of mayor.

Double
mandate.

The choice of a mayor shall not cause any vacancy in the office of alderman, but the person so chosen shall act both as mayor and as alderman for the balance of the term of office.

Term of
office, etc., of
mayor.

The term of office of the mayor shall be two years. The mayor shall be entitled to vote as an alderman, and shall have, in addition, a casting-vote in the event of a tie."

R.S., c. 102,
s. 49, re-
placed for
town.

12. Subject to the provisions of section 10 of this act, section 49 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following:

Electing of
aldermen.

"**49.** The aldermen shall be elected by the majority of the municipal electors of the ward who have voted.

Term of
office.

Their term of office shall be four years.

Replacing,
etc. of alder-
men.

Every two years, the aldermen whose term of office shall have been completed shall retire and be replaced at the election which shall be held in the manner hereinafter prescribed."

R.S., c. 102,
s. 50, re-
placed for
town.

13. Section 50 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following:

Expiration of
term of office
of mayor and
aldermen.

"**50.** The mayor's term of office shall expire when the new mayor is sworn in and that of every outgoing alderman shall expire at the opening of the first general or special sitting of the council held after the election of his successor."

14. Section 51 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following: R.S., c. 102, s. 51, replaced for town.

"51. The mayor shall exercise the right of investigation over all the departments and officers of the municipality; he shall lay before the council such proposals as he may deem necessary or advisable, and shall communicate to the council all information and suggestions relating to any improvement of the finances, police, health, security, cleanliness, comfort and progress of the municipality. Mayor's powers, etc.

The mayor shall have the right, at any time, to suspend any officer or employee in the service of the municipality, provided such officer or employee is not appointable by the manager; but he shall at the earliest opportunity report the matter to the council or to the committee having immediate supervision over the officer or employee suspended, and state in writing the reasons for such suspension." Power to suspend certain employees.

15. Section 56 of the said Cities and Towns' Act shall not apply to the town of Malartic until the first juridical day of February, 1942, and, thereafter, is replaced, for the said town, by the following: R.S., c. 102, s. 56, replaced for town.

"56. If the office of mayor become vacant, it must be filled in conformity with section 48 of this act." Filling of vacancy.

16. Paragraph 2 of section 60 of the said Cities and Towns' Act shall not apply to the town of Malartic until the first juridical day of February, 1942. Provisions not applicable to town.

17. Section 61 of the said Cities and Towns' Act shall not apply to the town of Malartic until the first juridical day of February, 1942, and, thereafter, is replaced, for the said town, by the following: R.S., c. 102, s. 61, replaced for town.

"61. If any vacancy occur in the office of alderman, the council, at its next general or special sitting, shall elect a qualified person to fill such vacancy until the next general election. At such general election, there shall be elected an alderman to serve for the unexpired term of each alderman in whose office any such vacancy has so occurred. Vacancy in office of alderman.

If the majority of the members of the council tender their resignation at the same time, so that the council can no longer sit and accept the resignations for want of a quorum, the offices of those resigning shall become vacant, and it shall be the duty of the clerk to inform the Lieutenant-Governor in Council of the fact. The latter

may then order that an election be held for the appointment of the number of aldermen required to fill the vacancies. The Lieutenant-Governor in Council shall fix a day for the nomination of candidates as well as for the election in the event of opposition.

Appointing of
election clerk.

Ten days at least before the day fixed for the nomination of candidates, the clerk of the municipality, by a commission under his hand and according to form 5, shall appoint an election clerk, and give the public notice prescribed in section 179 and drawn up according to form 7.

Nomination
and election.

In other respects, such nomination and election shall be held as in the case of general elections, and the person elected shall hold office until the expiration of the term of office of the alderman whom he has replaced.

Provisions
applicable.

The provisions of the three preceding paragraphs shall apply in all cases when the council can no longer sit on account of vacancies in the offices of aldermen for any reason whatsoever, subject to the provisions of section 195.

Temporary
council in
certain event.

If, through the resignation of the majority of the members of the council, there remain no quorum, the Lieutenant-Governor in Council may appoint a sufficient number of persons to form a quorum, who shall remain in office until the vacancies, so created, have been filled; but all proceedings done by such temporary council shall be subject to the approval of the Minister of Municipal Affairs, Trade and Commerce."

R.S., c. 102,
s. 63, tem-
porarily re-
placed for
town.

18. Section 63 of the said Cities and Towns' Act shall not apply to the town of Malartic up to the first juridical day of February, 1942, and during the said period the following provisions shall apply to the said town:

Oath of office
of members
of council.

"The mayor and the aldermen shall take oath of office during the delay fixed by the Minister of Municipal Affairs, Trade and Commerce. Nevertheless, without prejudice to the costs of any judicial proceedings taken against him, the mayor or alderman, who has so neglected to take the oath within the prescribed delay, may, so long as the vacancy which has arisen through his negligence is not filled and upon taking the required oath, resume and exercise his functions."

Provisions
not applicable
to town.

19. The second paragraph of section 64 of the said Cities and Towns' Act shall not apply to the town of Malartic.

20. The said Cities and Towns' Act is amended, for R.S., c. 102, the town of Malartic, by adding thereto, after section 79 ^{s. 79a, added for town.} thereof, the following section:

"79a. Sections 69, 75 and 79 shall not apply to muni- ^{Municipal} cipal officers and employees appointable by the manager, ^{affairs, etc.} but their salary or compensation shall be fixed and their dismissal determined by the manager, to whom they shall deliver all moneys and other property of the municipality, make their reports and render their accounts."

21. Section 92 of the said Cities and Towns' Act shall ^{Provisions not applicable to town.} not apply to the town of Malartic.

22. Section 103 of the said Cities and Towns' Act is ^{R.S., c. 102, s. 103, replaced for town.} replaced, for the town of Malartic, by the following:

"103. The council shall appoint a single person to ^{Secretary-treasurer.} fill the offices of clerk and treasurer. Such officer shall be known as the secretary-treasurer and shall have the same rights, powers, and privileges, and shall be liable to the same obligations and penalties as those determined and prescribed for such offices.

The council may also appoint an officer who shall be ^{Assistant secretary-treasurer.} known as the assistant secretary-treasurer who shall assist the secretary-treasurer under the latter's direction and shall, during the absence, disability or incapacity of the secretary-treasurer, or during a vacancy in the office of secretary-treasurer, perform the duties of such office with the same rights, powers and privileges and under the same obligations and penalties as those prescribed for such office."

23. Section 108 of the said Cities and Towns' Act is ^{R.S., c. 102, s. 108, replaced for town.} replaced, for the town of Malartic, by the following:

"108. The council shall, by resolution, appoint an officer called "manager" who shall be the executive officer of the municipality, whose duties shall be to supervise and direct, under the control of the council, the affairs of the municipality and the work it causes to be carried out. Such manager must be a British subject, and must furnish the security fixed by the Minister of Municipal Affairs, Trade and Commerce who shall have a right of veto as regards the appointment of the manager."

24. Section 109 of the said Cities and Towns' Act is ^{R.S., c. 102, s. 109, replaced for town.} replaced, for the town of Malartic, by the following:

Manager's
duties, etc.

"109. Included in the duties and powers of the manager shall be the following:

1. To execute all by-laws and resolutions of the council;

2. To supervise, direct and control the operations of all town departments and all officers and employees appointed by him;

3. To appoint, suspend and remove, at his pleasure, all municipal officers and employees other than members of the council, the secretary-treasurer, the assistant secretary-treasurer, the auditors and the assessors. All officers and employees appointed by the manager shall hold office at his pleasure;

4. To fix the salaries and compensation of all officers and employees appointed by him, provided that all salaries and compensation amounting to over two thousand five hundred dollars annually shall be approved by the council, and, unless so approved, the municipality shall not be bound to pay the same;

5. To make all purchases of supplies and materials required for the ordinary operations of all municipal departments and for the use of the council and the officers appointed by the council, but to the extent only of the sums placed at his disposal by the council for such purposes;

6. To take cognizance of the correspondence and communications sent to the municipality and see that they be promptly dealt with by its officers;

7. To examine and sign, if they are correct, the weekly or monthly payment sheets and approve the same for payment by the secretary-treasurer;

8. To examine the accounts, payment whereof is claimed from the municipality, and, if they are correct, after they have been verified by the secretary-treasurer, approve the same for payment by him;

9. To prepare, with the chief officers of the departments, for each monthly meeting of the council, a complete report of the work done during the previous month, with the suggestions he may deem useful to suggest for the work to be done in the ensuing month;

10. To prepare, with the chief officers of the departments, the annual estimates and report thereon to the council and to each of the committees;

11. To prepare, with the chief officer of each department or the officer in charge of any service in the adminis-

tration, the plans and specifications for the work to be given by contract, draw up the notices calling for tenders and have them published by the secretary-treasurer;

12. To open, in the presence of the members of the council, in meeting assembled, the tenders received for work to be done by contract, and recommend which of the tenders he thinks should be accepted by the council;

13. To study the drafts of the by-laws, including loan by-laws, and communicate to the council his views and suggestions of the provisions such draft by-laws are intended to enact;

14. To advise the council on the steps to be taken to carry out the by-laws and enforce their observance;

15. To see that the moneys voted by the council are used for the purpose for which they were voted;

16. To investigate the complaints and claims made against the municipality and report his opinion thereon to the council as well as to the committee charged with their examination;

17. To study the needs and everything that might be of interest to the municipality; suggest whatever steps may be expedient to take for an efficacious and economical administration and to promote the progress of the municipality and the welfare of the citizens;

18. To call a special meeting of a committee whenever he thinks it necessary, after consulting the chairman;

19. To attend the sittings of the council and of the committees and give his opinion and make the observations and suggestions he may deem expedient on the subjects under discussion, but without the right to vote;

20. To perform such other duties as may be assigned him by the council."

25. Sections 110, 111, 118, 119, 120 and 121 of the said Provisions of the Cities and Towns' Act shall not apply to the town of Malartic. not applicable to town.

26. Section 112 of the said Cities and Towns' Act is R.S., c. 102, s. 112, replaced for town. replaced, for the town of Malartic, by the following:

"112. The council shall, by resolution adopted at its first regular sitting, appoint the manager to serve for such term or terms as it may determine, subject to the approval of the Minister of Municipal Affairs, Trade and Commerce, but not to extend beyond the first juridical day of February, 1942, and until his successor shall take office. Appointing of manager. Term limited.

Subsequent
appointment.

After such date, the council shall, in the same manner, appoint the manager at its first general sitting, who shall remain in office until dismissed in the manner mentioned in section 117 of this act.

Security.

The manager and the assistant-manager appointed shall furnish security, the amount whereof shall be fixed by a resolution of the council, subject to the approval of the Minister of Municipal Affairs, Trade and Commerce."

Provisions
not applicable
to town.

27. Section 115 of the said Cities and Towns' Act shall not apply to the town of Malartic.

R.S., c. 102,
s. 117, re-
placed for
town.

28. Section 117 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following:

Term of
office, etc., of
manager.

"**117.** The manager shall remain in office during the pleasure of the council; but he cannot be dismissed nor his salary be reduced except by a resolution adopted by the absolute majority of its members and such resolution shall have no effect until approved by the Minister of Municipal Affairs, Trade and Commerce."

Appointing of
assistant-
manager.

29. Upon entering upon his duties, each manager, subject to the approval of the Minister of Municipal Affairs, Trade and Commerce, may appoint an assistant-manager, whose duties shall be to assist the manager under his direction and control, and in case of the absence, disability or incapacity of the manager, or during a vacancy in the office of manager, to perform the duties of that office with the same rights, powers and privileges and under the same obligations and penalties as those prescribed for such office.

Dismissal.

In case of the dismissal of the manager, the council may, either by the same resolution by which the manager is dismissed or by a subsequent resolution, dismiss the assistant-manager in the same manner and with the same effect as it may dismiss its manager.

Exercising of
powers by
mayor.

In the event of simultaneous vacancies in the offices of manager and assistant-manager, the mayor, until a new manager is appointed, shall exercise all the powers and perform all the duties of the manager.

Provisions
not applicable
to town.

30. Paragraph 8 of section 123 of the said Cities and Towns' Act shall not apply to the town of Malartic until the first juridical day of February, 1942.

Idem.

31. Sections 124, 125, 126 and 127 of the said Cities and Towns' Act shall not apply to the town of Malartic until the first juridical day of February, 1942.

32. Section 128 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following:

"128. 1. The following persons, if of the full age of twenty-one years, British subjects and not legally disqualified nor otherwise deprived of the right to vote in virtue of this act or of the charter, shall be electors and shall be entered on the electoral lists, to wit:

- a. Male persons and widows or spinsters whose names are entered on the valuation roll in force as *bona fide* owners or occupants of immoveable property in the municipality, of the value of two hundred dollars or upwards, or of the annual value of twenty dollars or upwards, according to said roll. In cases where such property is held in usufruct, the name of the usufructuary shall alone be entered on the electoral list;

Companies or corporations may be entered on the electoral lists by reason of the immoveables, held by each of them respectively and subject to general or special assessment, of a sufficient valuation to confer the right to vote upon a municipal elector, and shall be entitled to vote in their names through a representative of the company authorized to that effect by resolution, a copy whereof shall be filed with the secretary-treasurer of the town on or before the day for nomination of candidates, in the case of the election of aldermen. They may exact the right to vote at the election of aldermen in every ward in which they pay taxes, provided their representative is a director or employee of the company and a British subject;

- b. The husband whose wife is seized, as owner, usufructuary, or as institute, of immoveable property in the municipality, of the value of two hundred dollars or upwards, according to the valuation roll in force, or carries on trade or keeps a place of business which renders her subject to the payment of a tax, and when such place of business is entered on the collection roll as being of the annual value of not less than twenty dollars;
- c. Every male person, and every widow or spinster being a resident householder in the municipality under a lease, whose name is entered on the collection roll in force as tenant of a dwelling-house or part of a dwelling-house in the ward for which the list is made, of the value of two hundred dollars or upwards or of the annual value of twenty dollars or upwards, according to such roll;

Tenants of
stores, etc.;

d. Every male person, though neither owner nor householder, who is entered on the valuation roll or collection roll in force, as the tenant of any store, counting-house, shop, office, or place of business in the municipality; provided that such store, counting-house, shop, office or place of business, or the share which such person owns therein as partner, be assessed at an actual value of at least two hundred dollars, or at an annual value of at least twenty dollars, according to the valuation or collection roll.

Exception.

2. Nevertheless, the qualification granted by the foregoing provision to co-partners or tenants does not extend to members of associations of persons using or holding the premises for social, educational, philanthropic, and other similar objects."

Provisions
replaced for
town.

33. Sections 173, 175, 179 and 181 of the said Cities and Towns' Act are replaced, for the town of Malartic, by the following:

Date of gen-
eral election.

"**173.** The general elections for the purpose of replacing the aldermen who go out of office shall be held every two years, on the first juridical day of February, in accordance with the provisions hereinafter contained.

Change by
letters patent.

The Lieutenant-Governor in Council may, by letters patent, upon the application of the council of the municipality concerned, change the date for the elections and the date for the nomination of candidates.

Proceedings,
etc.

The proceedings and notices for such application shall, as far as possible, be the same as those required for obtaining letters patent under sections 12 and following of this act.

Notice.

Notice of such change must be published in the *Quebec Official Gazette* and in the volume of the statutes passed at the then next Session of the Legislature.

Appointment
of election
clerk.

"**175.** Ten days at least before the twentieth day of January, in the year in which a general election is to be held, the returning-officer, by a commission under his hand, in the form 5, shall appoint an election clerk, and may, at any time during the election, appoint in the same manner another election clerk, if the one first appointed resigns, or refuses or is unable to perform his duties as such clerk.

Notice of
election to be
given by re-
turning-
officer.

"**179.** Eight days at least before the twentieth day of January in the year in which a general election is to be held, the returning-officer shall give public notice, in the form 7, over his signature, setting forth:

1. The place, day and hour fixed for the nomination of candidates;

2. The day on which the poll for taking the votes of the electors will be held in case a poll is necessary;

3. The appointment of the election clerk.

"181. The nomination of candidates at a general election shall be held on the twentieth of January from noon to two o'clock in the afternoon. If such day be a holiday, it shall be held on the first juridical day following such date, and during the same hours." Date of nomination.

34. Sections 342 and 344 of the said Cities and Towns' Act shall not apply to the town of Malartic. Provisions not applicable to town.

35. Sections 345 and 346 of the said Cities and Towns' Act shall not apply to the town of Malartic up to the first juridical day of February, 1942, and, during said period, the following provision shall apply to the said town: Idem.

"The council shall meet on the days and at the hours which it determines by resolution, at the place designated by the Minister of Municipal Affairs, Trade and Commerce." Council meetings.

36. Section 351 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following: R.S., c. 102, s. 351, replaced for town.

"351. In case the mayor refuses to call a special sitting when deemed necessary by at least three members of the council, or by one member of the council and the manager, such members, or member and the manager, may, by a requisition to the secretary-treasurer of the municipality duly signed by them, order the sitting to be called. Upon receipt of such requisition, the secretary-treasurer of the municipality shall issue a notice to the members in the manner mentioned in section 350, provided such requisition specifies the business for which the sitting is called." Calling of certain special sitting.

37. The said Cities and Towns' Act is amended, for the town of Malartic, by adding thereto, after section 352 thereof, the following section: R.S., c. 102, s. 352a, added for town.

"352a. The manager shall be entitled to the same notice of sittings of the council as are its members and no sitting may be legally held unless notice thereof is given the manager in every case in which a member of the council is entitled to notice. Notice of sittings to manager.

Waiver of
notice.

Attendance at any sitting of the council shall be a waiver of notice thereof and shall cure any default or defect in serving notice thereof on any person so attending.

Business con-
sidered.

If all members of the council and the manager are present at any special sitting, any business, whether or not specified in the notice thereof, may, on the consent of all members of the council and the manager, be considered."

R.S., c. 102, s.
426, am. for
town.

38. Paragraph 1 of section 426 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following:

Building, etc.,
regulations.

"1. To regulate the height of all buildings, chimneys, stacks and other structures; to prevent the construction or maintenance of the buildings, walls, chimneys, stacks and other structures as are not of the required stability, and provide for their destruction; to prescribe the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, materials and construction of party walls, partitions and outside walls, the size and materials of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus; to regulate the location within the municipality of trades, businesses, industries and buildings designed for specific uses; to divide the town into districts or zones of such number, shape and area as it may deem best suited for the purpose of such regulation, and, with respect to such districts or zones, to regulate and prescribe the architecture, dimensions and symmetry of buildings therein, the area of lots which may be occupied by buildings, the distance to be left between buildings and the distance from the street line at which any building may be built, and to regulate the character of the trades, businesses and industries; to compel the proprietors to submit the plans of buildings to the building inspector or any other officer and to obtain from the latter a certificate approving of the plans and authorizing the work; to prohibit the construction of buildings and structures not conforming to such by-laws, and to direct the suspension at any time of the erection of any such building as does not conform to such by-laws and to order the demolition, if necessary, of any such building erected after the coming into force of the by-laws authorized by this paragraph 1.

Procedure for
amending,
etc., of by-
laws

No by-law made under this paragraph 1 may be amended or replaced except by another by-law which must be submitted to the vote, by secret ballot, of the electors who

are proprietors of immoveable property situated in the district, zone or street to which the proposed amendment or repeal applies.

Nothing contained in this paragraph 1 shall be interpreted as giving the council power to regulate in any manner whatsoever the construction or site of school-houses or buildings for religious worship;”.

39. Section 428 of the said Cities and Towns’ Act is replaced, for the town of Malartic, by the following:

R.S., c. 102,
s. 428, re-
placed for
town.

“428. The council may make by-laws:

Power to
make by-laws.

1. To suppress gambling houses and disorderly houses;
2. To suppress houses of prostitution, of ill-fame and of assignation;
3. To prohibit and restrict card-playing, throwing of dice, and other games of hazard with or without betting in any hotel, restaurant, tavern or shop, whether licensed or not, in the municipality;
4. To order that any building, construction, shelter, penthouse, shed or other erection, under whatever name known or designated, attached to the ground or portable, built, erected or placed on the surface, or above, or underground, permanently or temporarily, within the limits of the municipality, used for trading, transportation, keeping or delivery of alcoholic liquors, contrary to the provisions of the Alcoholic Liquor Act (Chapter 37), or of the Alcoholic Liquor Possession and Transportation Act (Chapter 38), or of any other law respecting the above objects, shall be deemed a disorderly house to which Division 1 of the Disorderly House Act (Chapter 270) shall apply;
5. To prohibit, prevent and suppress any noisy gatherings, affrays, disturbances, disorderly assemblies, and all brutal or depraving exhibitions;
6. To regulate circuses, theatres, spectacles and other public exhibitions, and permit them, on obtaining a license, to be held upon such conditions as may be deemed fit, and to prohibit all spectacles or exhibitions tending to affect public safety;
7. To license and regulate the posting of bills and placards;
8. To regulate bathing and swimming in the waters comprised within the municipality or within its jurisdiction for police purposes;

9. To prevent the disbursement of any congregation assembled for religious worship, and to prohibit the distribution of printed hand-bills or circulars at church doors on Sundays;

10. To allow on certain conditions, regulate or prevent the employment or occupation of minors in the streets and public places; and to grant licenses to and regulate newspaper carriers;

11. To regulate begging."

Provisions of
not applicable
to town.

40. Section 470 of the said Cities and Towns' Act shall not apply to the town of Malartic.

R.S., c. 102,
s. 482, re-
placed for
town.

41. Section 482 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following:

Administra-
tion of finan-
ces.

"482. The council may make such by-laws as it may deem expedient for the management and administration of its finances; all payments out of the funds of the municipality shall be made by the secretary-treasurer, but only on requisitions, vouchers, pay sheets, accounts, and the like, approved by the manager, and against unexpended balances of moneys appropriated by the council for the purposes for which such payments are made."

R.S., c. 102,
s. 522, re-
placed for
town.

42. Section 522 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following:

Taxation of
farming
lands, etc.

"522. All land under cultivation or farmed or used as pasture for cattle, within the municipality, shall be valued at not more than one hundred dollars per acre and shall be taxed to an amount of not more than one-half of one per cent even if it has been subdivided into building lots and the subdivision is registered.

Additions to
roll in certain
cases.

The council may cause to be added to the valuation roll, from time to time, by the assessors in office, on the valuation by them made, any portion of such land which has been detached therefrom as a building lot and shall thus have become liable to taxation after the closing of the valuation roll, and may exact the said tax as upon all other lots entered on the roll."

Provisions
not applicable
to town.

43. Paragraph 1 of section 523 of the said Cities and Towns' Act shall not apply to the town of Malartic.

R.S., c. 102,
s. 523, am.
for town.

44. Section 523 of the Cities and Towns' Act is amended, for the town of Malartic, by adding thereto, after the last paragraph thereof, the following paragraph:

"3. The town council may, in addition to the taxes contemplated by sections 469, 523 and 526, impose and levy from and after the 1st of May, 1939,—on every person not residing within the municipality and on every corporation or company not having its chief place of business therein, operating one or more stores for smokers' supplies, candy, articles of domestic use, meat, groceries, novelties or various merchandise outside of the municipality and operating one or more of such establishments within the municipality—, a annual special tax of five hundred dollars for each such establishment within the municipality.

This paragraph shall apply also to every company or corporation having its chief place of business in the municipality, when such company or corporation is merely a subsidiary or branch of a company or corporation carrying on the same kind of business outside of the municipality."

45. Section 531 of the said Cities and Towns' Act is replaced, for the town of Malartic, by the following:

"531. Whenever the subdivision of any property has not been registered in the registry office for the registration division within which such property is situated, the assessors may assess it as a whole, without taking any notice of the subdivision, and the corporation may levy the tax on the whole or on any part of such property; but if a subdivision thereof has been registered, the assessors shall assess each subdivided lot separately, and the tax shall be imposed on each of the lots according to its valuation, provided, however, that the assessors may assess as a whole all vacant lots in any such registered subdivision, which are owned by the same proprietor, and that the corporation may levy the tax on the aggregate of such vacant lots owned by the same proprietor."

46. Notwithstanding any contrary or inconsistent provisions contained in the Cities and Towns' Act, the Municipal Aid Prohibition Act or any other general or special act, the town of Malartic may, by by-law adopted by its council and which need not be approved by the electors:

1. Grant, to any person, firm, corporation or syndicate, the privilege, right or franchise, for a period not exceeding ten years, of constructing and maintaining, in the roads and streets of the municipality, tramway lines or an autobus service and of operating the same by running vehicles me-

chanically propelled either by electricity or other motive power for the transportation of passengers or freight or both;

Lighting, etc.,
system;

2. Grant, to any person, firm, corporation or syndicate, the privilege, right or franchise, for a term of not more than ten years, of constructing, maintaining and operating, in the municipality, a lighting or heating system by gas or electricity or by gas and electricity, or an electric power distribution system, separate from or forming part of the lighting system, and, accordingly, of erecting, laying and maintaining, in the roads, streets or public squares, electric power transmission lines, gas mains, or both, and of supplying the municipality or public in the municipality, or both, with gas or electricity, or both, for light, heat and power;

Waterworks,
etc., system;

3. Grant, to any person, firm, corporation or syndicate, the privilege, right or franchise, for a term of not more than ten years, of constructing, maintaining and operating, in the municipality, waterworks, wells, reservoirs and water supply and distribution systems, with all their appurtenances and accessories, to supply water to the municipality and its inhabitants for public, industrial, domestic and all other purposes, and, accordingly, of contracting and maintaining, in the roads, streets and public squares, aqueducts, water pipes, hydrants, reservoirs and all other appliances appropriate thereto.

Prior approv-
al required.

Any by-law adopted under this section shall come into force only after approval by the Minister of Municipal Affairs, Trade and Commerce.

Width of
streets.

47. Notwithstanding any provisions of the Cities and Towns' Act and the Public Street Act, the width of the streets in the town of Malartic shall be determined and fixed by the council of the town of Malartic, subject to the approval of the Minister of Municipal Affairs, Trade and Commerce.

Prohibition of
certain taxa-
tion.

48. Notwithstanding the provisions of any general or special act, the council shall not levy any tax on raw materials, goods in process of manufacture, or stocks of finished materials or manufactured goods, being in the municipality for the purpose of, or in process of, or following, manufacture therein.

Application.

This section shall apply only to products from underground mining.

49. The provisions of section 180 of the Quebec Mining Act (Revised Statutes, 1925, chapter 80) shall not apply to the town. Provisions not applicable to town.

50. This act shall come into force on the day of its sanction. Coming into force.

