



CHAPTER 62

An Act to amend the Cities and Towns' Act

[Assented to, the 18th of March, 1938]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 2 of the Cities and Towns' Act (Revised R.S., c. 102, Statutes, 1925, chapter 102), as amended by the act 21 s. 2, am. George V, chapter 54, section 1, is again amended by replacing subsection 3 thereof by the following:

"3. Every city or town municipality incorporated by ^{Obtaining of} a special act, desirous of abandoning its charter, may, no ^{letters patent.} matter what its population may be, obtain letters patent from the Lieutenant-Governor in Council.

Such letters patent shall have the effect of repealing its ^{Effect} special charter and of submitting exclusively to the pro- ^{thereof.} visions of this act the said city or town, which, however, despite the repealing of its charter, shall keep its city or town incorporation, as the case may be.

The procedure to be followed to obtain such letters ^{Procedure.} patent shall be the same as that prescribed by the third paragraph of subsection 2 of this section."

2. Section 30 of the said act is replaced by the following: R.S., c. 102, s. 30, replac-

"**30.** The municipality shall be divided into the number ^{ed.} of wards prescribed by the charter or by a by-law of the ^{Division into} council approved by the Lieutenant-Governor in Council." wards.

3. Section 59 of the said act is amended by adding ^{R.S., c. 102,} thereto the following paragraph: s. 59, am.

Vacant seat. "Nevertheless, the seat of an alderman nominated for the office of mayor becomes vacant by reason of such nomination."

R.S., c. 102,
s. 105, am.

4. Section 105 of the said act is amended by adding thereto the following paragraph:

Responsibility, etc., of auditors.

"Such auditors may be individuals or members of a partnership and may entrust the work to their employees, but then the responsibility of the auditors shall be the same as if such work had been entirely performed by such latter. In the case of a partnership acting as auditor, the taking of the oath of office by one of the partners shall be sufficient."

R. S., c. 102,
s. 124, replaced.

5. Section 124 of the said act is replaced by the following:

Property qualification of mayor and councillor.

"**124.** No one may be nominated for, nor elected to the office of mayor or councillor unless he has possessed during the twelve months immediately preceding the nomination and still possesses on nomination day and on election day, as owner, in his own name or in that of his wife, real estate in the municipality of the value as entered on the valuation roll in force at the date of the election of at least six hundred dollars, after payment or deduction of every privilege and hypothec registered against such real estate.

Disqualification from office.

No one may hold or continue to hold the office of mayor or of councillor if he does not possess or if he ceases to possess the qualifications set forth in this section."

R.S., c. 102,
s. 520, am.

6. Section 520 of the said act is amended by inserting therein, after paragraph *f* of subsection 1 thereof, the following paragraph:

Not taxable property.

"*g.* Buildings in which registry offices are located."

R.S., c. 102,
s. 552a,
added.

7. The said act is amended by inserting therein, after section 552 thereof, the following section:

Suspension of sale by opposition.

"**552a.** The sale cannot be suspended except by an opposition taken in the District Magistrate's Court, or in the Circuit Court of the district, or in the Superior Court of the district, according to their respective jurisdiction, determined by the value of the immoveable as entered on the valuation roll in force.

Provisions applicable.

The provisions of articles 727 and following of the Code of Civil Procedure shall apply to such opposition, *mutatis mutandis.*"

8. Section 559 of the said act is amended by adding thereto the following paragraph: R.S., c. 102, s. 559, am.

“He is also entitled to such deed of sale at any time before the expiration of such delay, with the consent of the owner of the said immoveable or that of his legal representatives and of the privileged or hypothecary creditors, which persons must intervene in the said deed to attest their consent.” Obtaining of deed of sale.

9. Section 563 of the said act is amended:

a. By adding thereto, after the word: “except”, in the third line of the first paragraph thereof, the words: “, subject to the reserve contained in the last paragraph of this section,”; R.S., c. 102, s. 563, am.

b. By adding thereto the following paragraph:

“The adjudication of an immoveable to a municipal corporation having an interest by reason of a privilege upon the said immoveable purges the latter from all constituted ground rents, rents contemplated by an emphyteutic lease and rents replacing seigniorial rights, counting from the date of the adjudication and as long as the immoveable remains the property of the said municipal corporation. Such rents shall again be an encumbrance upon the immoveable, but for the future only, counting from the date when the immoveable ceases to be the property of the municipal corporation.” Effect of adjudication.

10. The said act is amended by inserting therein, after section 563 thereof, the following section: R.S., c. 102, s. 563a, added.

“**563a.** Suits for the cancellation of the sale of an immoveable made under the above provisions and the right to invoke the illegality thereof shall be prescribed by twelve months counting from the date of the adjudication.” Prescription of certain suits.

11. Section 566 of the said act is replaced by the following: R.S., c. 102, s. 566, replaced.

“**566.** Any person, whether authorized or not, may, unless a deed of sale has been effected under the second paragraph of section 559, redeem such immoveable in the same manner, but only in the name and for the benefit of the person who was the owner thereof at the time of the adjudication.” Redemption by other than former owner.

12. The said act is amended by adding thereto, after section 567 thereof, the following section: R.S., c. 102, s. 567a, added.

Obligation
upon person
redeeming.

“567a. The person redeeming shall take back the property subject to the notarial leases entered into in good faith by the purchaser; but such person is not obliged to maintain such leases for more than one year counting from the date of the adjudication, even though they may have been granted for a longer period.”

Coming into
force.

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