



## CHAPTER 103

### An Act to amend the Municipal Code

[Assented to, the 12th of April, 1938]

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

**1.** Article 16 of the Municipal Code, as amended by the M. C., art. acts 12 George V, chapter 99, section 1, and 14 George V, <sup>16, am.</sup> chapter 83, section 1, is again amended by adding thereto, after the word: "thereon;" in the fifth line of paragraph 27 thereof, the words: "the said words also include the pipes used for the conveying of water from a waterworks, as well as those used for the distribution of gas, electricity, the telephone or the telegraph, wheresoever such pipes are found within the municipality;"

**2.** Articles 31, 32, 33 and 34 of the said Code are re-Id., arts. 31-34, re-pealed. pealed.

**3.** Article 123 of the said Code is replaced by the fol-Id., art. 123, lowing: replaced.

"**123.** The head of the council shall not vote; however, Casting vote if there be an equal division of votes and he be not person- only. ally interested, he is entitled and is bound to give his casting vote.

The pro-mayor or the member of the council presiding Vote and at a sitting of the council has the right to vote and may casting vote. in addition give a casting vote, subject to the restrictions of article 124."

M. C., art.  
227, am.

**4.** Article 227 of the said Code, as amended by the acts 9 George V, chapter 83, section 1; 10 George V, chapter 82, section 1; 11 George V, chapter 105, section 1; 15 George V, chapter 84, section 2; 18 George V, chapter 94, section 12; 23 George V, chapter 119, section 1; 24 George V, chapter 82, section 1, and 24 George V, chapter 83, section 1, is again amended by replacing paragraph 8 thereof by the following:

Keepers of  
inns, etc.

“8. Keepers of inns, hotels, houses of public entertainment, holding or having held within the preceding twelve months a permit to sell wine or beer in the municipality;”.

M. C., art.  
245a, am.

**5.** Article 245a of the said Code, as enacted by the act 16 George V, chapter 68, section 1, and amended by the act 24 George V, chapter 83, section 3, is again amended by replacing the words: “Lieutenant-Governor in Council on the recommendation of the Minister of Municipal Affairs”, in the second and third lines of the first paragraph thereof, by the words: “Minister of Municipal Affairs, Trade and Commerce”.

Id., art. 447,  
am.

**6.** Article 447 of the said Code, as amended by the act 24 George V, chapter 83, section 9, is again amended by striking out the second paragraph of paragraph 1 thereof.

Id., art. 642,  
am.

**7.** Article 642 of the said Code, as replaced by the act 11 George V, chapter 109, section 1, and amended by the acts 17 George V, chapter 74, section 13; 20 George V, chapter 108, section 1, and 25-26 George V, chapter 108, section 7, is again amended:

*a.* By replacing the first paragraph thereof by the following:

Appointing of  
auditors.

“Every year, at the first general sitting after the date of the municipal elections held in the municipality, the council shall appoint, for the period ending on the ensuing 31st of December, one or more auditors, for the auditing of the accounts of the corporation.”;

*b.* By replacing the words: “in the same manner”, in the third line of the second paragraph thereof, by the words: “by one or more auditors specially appointed for the purposes of this paragraph”;

*c.* By adding thereto the following paragraphs:

Auditors may  
be a firm, etc.

“Every auditor appointed for the aforesaid purposes may be an individual or a firm and may entrust the work to his or its employees, but then the responsibility of

the said auditor shall be the same as if such work had been entirely performed by the auditor. In the case of a firm, the taking of the oath of office by one of the partners shall be sufficient.

No auditor or auditors appointed under the first paragraph of this article may be removed prior to the 31st of December of any year without the consent of the Quebec Municipal Commission.” Consent required for removal.

**8.** Article 644 of the said Code, as replaced by the act 11 George V, chapter 109, section 1, and as amended by the act 16 George V, chapter 69, section 2, is again amended by adding thereto the following paragraph: M. C., art. 644, am.

“The auditor must, at the same time that he forwards his report to the council, transmit a certified copy thereof to the chairman of the council.” Transmitting of certified copy.

**9.** The said Code is amended by adding thereto, after article 653 thereof, the following: M. C., art. 653a, added.

“**653a.** In the case of the erection, division, annexation or change of the boundaries of a municipality, the council of the new municipality or of the municipality to which a new territory has been annexed may order the assessors to forthwith make a valuation roll even though it be not the year during which valuation rolls are drawn up under article 650. Making of valuation roll in certain case.”

Such roll shall be subject to the same formalities and shall have the same effect as a roll drawn up under article 650.” Effect, etc., of such roll.

**10.** Article 654 of the said Code, as amended by the acts 8 George V, chapter 20, section 36; 14 George V, chapter 84, section 2, and 18 George V, chapter 94, section 16, is again amended by replacing paragraph 11 thereof, by the following: M. C., art. 654, am.

“11. The surnames, Christian names and occupations of persons of the male sex, who are British subjects, of the full age of twenty-one years and domiciled in the municipality and who are not afflicted with any of the incapacities contemplated in the Quebec Election Act (1 Edward VIII (2nd Session), chapter 8);” Names, etc.

**11.** Article 661 of the said Code is amended by adding thereto, after the word: “days”, in the sixth line of the second paragraph thereof, the words: “or at the special sitting mentioned in article 663”. M. C., art. 661, am.

M. C., art.  
730, am.

**12.** Article 730 of the said Code is amended by adding thereto, after the fifth paragraph thereof, the following paragraph:

Authorizing  
of abridged  
enumeration.

“Notwithstanding the provisions of the first, second and third paragraphs, the Quebec Municipal Commission, if it deems expedient, may, upon such conditions as it may impose, authorize an abridged enumeration of the cadastral numbers of immoveables. The notice of sale must mention such authorization.”

M. C., art.  
736a, added.

**13.** The said Code is amended by adding thereto, after article 736 thereof, the following article:

Obtaining of  
dispossessing  
order.

“**736a.** The purchaser who cannot obtain delivery of the immovable adjudged may apply to any judge of the Superior Court of the district in which the said immovable is situated, by petition duly served, with a notice of at least three full days of the date of its presentation, upon any person refusing to surrender the said immovable, and obtain an order addressed to the sheriff or a bailiff commanding him to dispossess such person and put the purchaser in possession, without prejudice to the recourse of the latter against the said person for all damages and costs incurred.”

M. C., art.  
741, am.

**14.** Article 741 of the said Code is amended by adding thereto the following paragraph:

Obtaining of  
deed prior to  
expiration of  
delay.

“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 immovable 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.”

M. C., art.  
745, am.

**15.** Article 745 of the said Code is amended:

*a.* By adding thereto, after the word: “except”, in the sixth line of the first paragraph thereof, the words: “, under reserve of the last paragraph of this article,”;

*b.* By adding thereto the following paragraph:

Effect of  
adjudication.

“The adjudication of an immovable to any municipal corporation, having an interest by reason of a privilege on the said immovable, purges the latter from all constituted ground rents, rents contemplated under an emphyteutic lease and rents replacing seigniorial rights, counting from the date of the adjudication and as long as the immovable remains the property of the said municipal corpora-

tion. Such rents shall again be an encumbrance upon the immoveable, but for the future only, from the date on which the immoveable ceases to be the property of the municipal corporation."

**16.** Article 755 of the said Code is amended by replacing the first paragraph thereof by the following: M. C., art. 755, am.

"Any person, whether authorized or not, may, unless a deed of sale has been granted under the second paragraph of article 741, 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." Redeeming of immoveable.

**17.** Article 731a of the said Code, as enacted by the act 25-26 George V, chapter 108, section 9, is amended by adding thereto, after the word: "district", in the fourth line of the first paragraph thereof, the words: ", according to their respective jurisdiction, determined by the value of the immoveable as entered on the valuation roll in force". M. C., art. 731a, am.

**18.** Notwithstanding the provisions of paragraphs *a* and *b* of section 7 of this act, the councils shall appoint in January, 1939, one or more auditors to audit the accounts of the corporation for the year ended the 31st of December, 1938. Auditors.

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

