



## CHAPTER 120

An Act to incorporate the town of Baie Comeau

[Assented to, the 20th of May 1937]

**WHEREAS** Joseph Anatole Marier, manager, of Preamble.  
Baie Comeau; Roméo Comette, civil engineer,  
of Baie Comeau; Edouard Caron Larose, auditor, of  
Montreal, and Henry Arthur Sewell, manager, of Baie  
Comeau, have, by their petition, represented:

That the work in course of organization and to be executed at Baie Comeau and over the adjacent territory, and the working of the plants and factories which are to be erected thereat, by the Ontario Paper Company, Limited, will create a considerable influx of people to the territory hereinafter described;

That the existence of these plants and factories will widely contribute to the development of various industries in that area;

That a large portion of the said territory will be subdivided into building lots; that dwellings, churches, schools and other buildings will be erected thereon; 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 the Ontario Paper Company, Limited, desires to encourage its workmen and technicians to build at Baie Comeau houses which will belong to them and yield them all the comfort of a modern town;

That, owing to the circumstances under which the said territory will be erected into a town municipality

and owing to its situation, it is expedient to make special provisions derogatory to the Cities and Towns' Act, (Revised Statutes, 1925, chapter 102), and specially for the time during which the municipal organization of the said town will be effected;

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 Baie Comeau*.

Territory comprised.      **2.** The town of Baie Comeau shall comprise the following territory, situated in the township of Laffèche, county of Saguenay:

Block Larue, otherwise Lot A. Range 1; Block A-West; Block T; Block S-Northwest; Block R.-North; Block A-North; Block C; Block B'; Block P; Block P'; Block L; Block S-Southeast; Block R-South; Block J; and that area known as the Dominion Government lot; the whole according to the plans of record in the surveys archives of the Department of Lands and Forests, for the township of Laffèche.

This territory can be more accurately described as being that area which would be enclosed within the polygon whose sides would be laid out as follows:

Commencing at the intersection of the prolongation of the western boundary line of Block Larue with the low water mark of the St. Lawrence River. (The southwestern corner of Block Larue is established by an iron boundary post with stone mound situated at a distance of 36 feet from the high water mark of the St. Lawrence River measured along the western boundary line of Block Larue). Starting at the said point of intersection as described above and following the low water mark of the St. Lawrence River in a general westerly direction to a point in the bottom of a small bay, thence:

In a direction north  $16^{\circ}30'$  west astronomical along the southwestern boundary line of Block C, a distance of seventy chains, more or less, thence:

In a direction north  $16^{\circ}30'$  east astronomical along the northwestern boundary line of Block C, a distance of 170 chains, more or less, to a point on the Contour Line Elevation 200' around Lake à la Chasse, thence:

In a general northeasterly direction along the Contour Elevation 200' to the inlet of Lake à la Chasse, thence:

Following the said Contour Line Elevation 200' around Lake à la Chasse to a point on the southeastern side of said contour, thence:

In a direction south astronomical, a distance of 25 chains, more or less, thence:

In a direction east astronomical, a distance of 61 chains, more or less, thence:

In a direction north  $22^{\circ}00'$  east astronomical, a distance of 114.50 chains, more or less, thence:

In a direction east astronomical, a distance of 70.82 chains, more or less, to the low water mark of the St. Lawrence River at the northeasternmost corner of Block P', thence:

In a general southerly direction along the low water line of the St. Lawrence River to the northwesternmost corner of Block L, thence:

In a direction south  $78^{\circ}37'$  east astronomical through deep water area, a distance of 19.47 chains, more or less, to the northeasternmost corner of Federal Government deep water lot, thence:

In a direction south  $1^{\circ}12'$  west astronomical through deep water area, a distance of 19.32 chains, more or less, to the southeasternmost corner of said Federal Government deep water lot, thence:

In a direction south  $63^{\circ}01'$  west astronomical through deep water area, a distance of 28.03 chains, more or less, to the low water mark of the St. Lawrence River, thence:

In a general southwesterly direction along the low water mark of the St. Lawrence River to the northernmost corner of Block P, thence:

In a direction south  $15^{\circ}13'$  west astronomical along a straight line, a distance of 37.50 chains, more or less, to a point situated at a distance of 7.50 chains from an iron

boundary post with stone mound situated at the north-eastern corner of Block Larue on a bearing east astronomical:

From said point in a general southerly direction along a line generally parallel and distant, more or less, 7.50 chains from the high water mark of the St. Lawrence River to a point situated at a distance of 7.50 chains, more or less, from an iron boundary post with stone mound situated at the southeastern extremity of Block Larue on a bearing east astronomical:

From the said point to the low water mark of the St. Lawrence River and along the said low water mark in a general southwesterly direction to the point of commencement:

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

Upon a resolution of the municipal council of the town of Baie Comeau approved by the majority of the electors who are property-owners in the municipality, the Lieutenant-Governor in Council may, from time to time, increase the above territory and extend the limits of the municipality, by annexing thereto for municipal purposes any other territory on the conditions which he may deem reasonable to impose.

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 or become inhabitants therein, are incorporated as a town under the name of "Town of Baie Comeau".

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.

One ward.

**5.** The town shall comprise but one ward, but the council may at any time divide it into several wards according to law.

Provisions not applicable to town.

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

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 Baie Comeau, by the following:

**“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.”

First sitting  
of council.

**8.** Sections 23 and 24 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau.

Provisions  
not appli-  
cable to town

**9.** Section 47 of the said Cities and Towns' Act is re- placed, for the town of Baie Comeau, by the following:

R.S., c. 102,  
s. 47, replac-  
ed for town.

**“47.** The municipal council shall be composed of five 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 Baie Comeau up to the first juridical day of March, 1940, and during said period the following provisions shall apply to the said town:

Provisions  
not applica-  
ble up to cer-  
tain dates.  
Provisions  
applicable.

*a.* The following persons: Joseph Anatole Marier, manager, of Baie Comeau; Roméo Comette, civil engineer, of Baie Comeau; Edouard Caron Larose, auditor, of Montreal; Henry Arthur Sewell, manager, of Baie Comeau and Andrews Irvine Cunningham, civil engineer, of Baie Comeau, and their successor or successors as herein provided for, shall be the members of the municipal council of the town of Baie Comeau up to the first juridical day of March, 1940, provided that they are British subjects;

*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 March, 1940;

*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. The person so chosen to act as mayor or alder-

man shall not be obliged to reside within the limits of the municipality;

e. On the first juridical day of March, 1940, the first general election shall be held and there shall be elected two aldermen to replace Roméo Comette and Andrews Irvine Cunningham or their respective successor; such election shall be made according to the Cities and Towns' Act, and on the first juridical day of March, 1942, another election shall be held to replace Edouard Caron Larose, Joseph Anatole Marier and Henry Arthur Sewell or their respective successor, in order that every successive second year thereafter two and three aldermen be alternately elected."

R.S., c. 102,  
s. 48, replac-  
ed 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 Baie Comeau, by the following:

Election of  
mayor.

"**48.** Until the 1st of April, 1940, the mayor shall be chosen from among the aldermen and elected by them at the first general meeting of the council held after the general election of the aldermen or after any vacancy occurring in the said office of mayor. After that date, the election of the mayor shall be made in conformity with the provisions of this Cities and Towns' Act.

Dual office.

Nevertheless, if the council enacts a by-law that the mayor shall be elected by the council in accordance with this Cities and Towns' Act, such 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.

Mayor's  
term of offi-  
ce.

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, replac-  
ed 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 Baie Comeau, by the following:

Aldermen.

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

Term of offi-  
ce.

Their term of office shall be four years.

Replacement

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.”

**13.** Section 50 of the said Cities and Towns’ Act is R.S., c. 102, replaced, for the town of Baie Comeau, by the follow-<sup>s. 50, replac-</sup>ing: <sup>ed for town</sup>

“**50.** The mayor’s term of office shall expire when Councillors’ the new mayor is sworn in and that of every outgoing <sup>term of office</sup> 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 R.S., c. 102, replaced, for the town of Baie Comeau, by the follow-<sup>s. 51, replac-</sup>ing: <sup>ed for town.</sup>

“**51.** The mayor shall exercise the right of investi-<sup>Powers, etc.,</sup>gation over all the departments and officers of the mu-<sup>of mayor.</sup>nicipality; 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.

The mayor shall have the right, at any time, to sus-<sup>Additional</sup>pend any officer or employee in the service of the muni-<sup>powers.</sup>cipality, 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.”

**15.** Section 56 of the said Cities and Towns’ Act R.S., c. 102, shall not apply to the town of Baie Comeau until the <sup>s. 56, replac-</sup>first juridical day of March, 1940, and, thereafter, is <sup>ed for town.</sup>repealed and replaced, for the said town, by the following:

“**56.** If the office of mayor become vacant, the <sup>Vacancy in</sup>clerk of the municipality, within eight days after such <sup>office of may-</sup>vacancy, shall call a meeting of the council for the pur-<sup>or.</sup>pose of electing one of the aldermen to discharge the functions of mayor during the remainder of the term of office, and the council at such meeting shall make such election.”

Provisions not applicable to town. **16.** Paragraph 2 of section 60 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau until the first juridical day of March, 1940.

R.S., c. 102, s. 61, replaced for town. **17.** Section 61 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau until the first juridical day of March, 1940, and, thereafter, is replaced, for the said town, by the following:

Vacancy in office of alderman. **"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.

Procedure in event of lack of quorum. 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."

**18.** Section 63 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau up to the first juridical day of March, 1940, and during the said period the following provisions shall apply to the said town:

"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."

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

**20.** The said Cities and Towns' Act is amended, for the town of Baie Comeau, by adding thereto, after section 79 thereof, the following section:

"**79a.** Sections 69, 75 and 79 shall not apply to municipal officers and employees appointable by the manager, 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 not apply to the town of Baie Comeau.

**22.** Section 103 of the said Cities and Towns' Act is replaced, for the town of Baie Comeau, by the following:

"**103.** The council shall appoint a single person to 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.

Assistant  
secretary-  
treasurer.

The council may also appoint an officer who shall be known as the assistant 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."

R.S., c. 102,  
s. 108, re-  
placed for  
town.

**23.** Section 108 of the said Cities and Towns' Act is replaced, for the town of Baie Comeau, by the following:

Manager.

"**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."

R.S., c. 102,  
s. 109, replac-  
ed for town.

**24.** Section 109 of the said Cities and Towns' Act is replaced, for the town of Baie Comeau, 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 administration, 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 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."

Submitting  
of water, etc.  
plans.

**25.** The town shall submit to the Director of the Provincial Bureau of Health, for his approval, its water and sewerage plans as well as all its general plans for parks and amusement grounds in relation to its industry.

Provisions  
not applica-  
ble to town.

**26.** Sections 110, 111, 118, 119, 120 and 121 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau.

R.S., c. 102,  
s. 112, repla-  
ced for town.

**27.** Section 112 of the said Cities and Towns' Act is replaced, for the town of Baie Comeau, by the following:

Appointing  
of manager.

"**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, but not to extend beyond the first juridical day of March, 1940, and until his successor shall take office.

Term limit-  
ed.

Following  
appoint-  
ment.

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."

Provisions  
not applica-  
ble to town.

**28.** Section 115 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau.

**29.** Section 117 of the said Cities and Towns' Act R.S., c. 102, is replaced, for the town of Baie Comeau, by the following: s. 117, replaced for town.

**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 Quebec Municipal Commission. Term of office, etc., of manager.

**30.** Upon entering upon his duties, each manager 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. Appointing of assistant-manager.

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. Dismissal.

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. Exercising of powers by mayor.

**31.** Paragraph 8 of section 123 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau until the first juridical day of March, 1940. Provisions not applicable to town.

**32.** Sections 124, 125, 126 and 127 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau until the first juridical day of March, 1940. Idem.

**33.** Section 128 of the said Cities and Towns' Act is replaced, for the town of Baie Comeau, by the following: R.S., c. 102, s. 128, replaced for town.

**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 the charter, shall be electors, and shall be entered on the electoral lists, to wit: Electoral qualification.

Property-  
owners;

*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 corpora-  
tions;

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 the 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;

Husband  
whose wife  
possesses  
certain pro-  
perty;

*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;

Tenants;

*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 a yearly assessed value of at least twenty dollars, according to the valuation or collection roll.

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

**34.** Sections 173, 175, 179 and 181 of the said Cities and Towns’ Act are replaced, for the town of Baie Comeau, by the following: Provisions replaced for town.

“**173.** The general elections for the purpose of replacing the mayor if necessary and aldermen who go out of office shall be held every two years, on the first juridical day of March, in accordance with the provisions hereinafter contained. Date of general election.”

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. Change by letters-patent.

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

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. Que-Notice.

“**175.** Ten days at least before the twentieth day of February, 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. Appointment of election clerk.”

“**179.** Eight days at least before the twentieth day of February 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: Notice of election to be given by returning-officer.”

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.

Date of nomination.

**181.** The nomination of candidates at a general election shall be held on the twentieth of February 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."

Provisions not applicable to town.

**35.** Sections 342 and 344 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau until the 1st of April, 1942.

Idem.

**36.** Section 346 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau up to the first juridical day of March, 1940, and during said period the following provision shall apply to said town:

Council meetings.

"The council shall meet on the days and at the hours which it determines by resolution."

R.S., c. 102, s. 351, replaced for town.

**37.** Section 351 of the said Cities and Towns' Act is replaced, for the town of Baie Comeau, by the following:

Calling of certain special sittings.

**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 clerk 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."

R.S., c. 102, s. 352a, added for town.

**38.** The following section is added, for the town of Baie Comeau, after section 352 of the said Cities and Towns' Act:

Notice of sittings to manager.

**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.

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.

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." Business considered.

**39.** Paragraph 1 of section 426 of the Cities and Towns' Act is replaced, for the town of Baie Comeau, by the following: R.S., c. 102, s. 426, am. for town.

"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. Building, etc., regulations.

No by-law made under this paragraph 1 may be amended or repealed except by another by-law which must be submitted to the vote, by secret ballot, of the Procedure for amending, etc., of by-laws.

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

Restriction 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;”.

Provisions not applicable to town. **40.** Section 470 of the said Cities and Towns’ Act shall not apply to the town of Baie Comeau.

R.S., c. 102, a. 482, replaced for town. **41.** Section 482 of the said Cities and Towns’ Act is replaced, for the town of Baie Comeau, by the following:

Administration of finances. **“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.”

Forwarding of copies of by-laws, etc., to Quebec Mun. Com. **42.** Up to the 1st of March, 1942, the council must, within ten days from the passing of any resolution or by-law, send a copy thereof to the Quebec Municipal Commission. Within the thirty days following the receipt of such copy, the Quebec Municipal Commission may, if there be occasion to, disavow such by-law or resolution and from the date of such disavowal the by-law or resolution shall be null.

R.S., c. 102, s. 522, replaced for town. **43.** Section 522 of the said Cities and Towns’ Act is replaced, for the town of Baie Comeau, 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 no more than one hundred dollars an 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 plan 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."

**44.** Paragraph 1 of section 523 of the said Cities and Towns' Act shall not apply to the town of Baie Comeau. Provisions not applicable to town.

**45.** Section 531 of the said Cities and Towns' Act is replaced, for the town of Baie Comeau, by the following: R.S., c. 102, s. 531, replaced for town.

**"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 taxes 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."  
When property is subdivided. Proviso.

**46.** Notwithstanding any contrary or inconsistent provisions contained in the Cities and Towns' Act, the Municipal Franchise Act or any other general or special act, the town of Baie Comeau may, by by-law adopted by its council and which need not be approved by the electors: Granting of franchises, etc., re:

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 mechanically propelled either by electricity or other motive power, for the transportation of passengers or freight or both; Transportation service;

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, Lighting, etc., system;

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 constructing and maintaining, in the roads, streets and public squares, aqueducts, water pipes, hydrants, reservoirs and all other appliances appropriate thereto.

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 Baie Comeau shall be determined and fixed by the council of the town of Baie Comeau.

Prohibiting  
of certain ta-  
xes.

**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.

Fixed valua-  
tion of pro-  
perty of On-  
tario Paper  
Company.

**49.** Notwithstanding any provisions to the contrary of any general law or special act, the taxable valuation, for municipal purposes, of the property which the Ontario Paper Company, Limited, and its subsidiaries own or may own up to the 1st of January, 1953, within the limits of the town of Baie Comeau, shall be one million dollars up to the 31st of December, 1942, one million one hundred thousand dollars from the 1st of January, 1943, to the 31st of December, 1947, and one million two hundred thousand dollars from the 1st of January, 1948, until the 31st of December, 1952.

Real value.

The real value of such properties must, however, be stated in the valuation roll.

Until the 31st of December, 1952, the total amount of general and special taxes on immoveables for municipal or school purposes which the ratepayers of the town of Baie Comeau may be called upon to pay for any fiscal year shall not, at any time, exceed two and one-half per cent of the entire taxable real estate valuation of the said ratepayers including Ontario Paper Company, Limited. Any sum otherwise assessable for the above purposes exceeding such two and one-half per cent shall be borne exclusively by Ontario Paper Company, Limited, to be added to the amount of taxes already imposed upon the said company.

Amount of taxes to be paid by Ontario Paper Company.

Except in unavoidable circumstances, the Ontario Paper Company, Limited, and its subsidiaries must operate continuously. They must also maintain equitable labour conditions and pay wages conformable to the current scale in the newsprint industry in the Province of Quebec.

Operating and wages.

Ontario Paper Company, Limited, shall cede gratuitously the lots required for the erection of churches, presbyteries, cemeteries, Roman Catholic schools and Protestant schools and for hospitals and playgrounds.

Certain lots to be ceded gratuitously.

The said company shall sell to the town, for distribution by the latter for residential and commercial purposes, but not for industrial purposes, the necessary motive power at the rate of twelve dollars and fifty cents per horsepower per annum, based upon a monthly peak load of at least twenty minutes. Nevertheless, the account, which must be paid monthly, shall be at least seventy-five per cent of the previous month's peak load.

Selling and rate of motive power.

As long as Ontario Paper Company, Limited, fulfils the above-mentioned conditions it shall enjoy the fixed valuation set by this section.

Fixed valuation conditional.

**50.** Until the municipal organization of the said town will have been completed, additional delay may be granted by the Minister of Municipal Affairs, Trade and Commerce, upon demand of the municipal council, for complying with any other provision of the said Cities and Towns' Act.

Granting of additional delay.

**51.** Pending the organization of a school municipality, the monies needed for education in the municipal territory shall be provided by the town, and the sys-

Educational system.

tem for providing education shall be as approved by the Superintendent of Education.

Detaching of certain territory. **52.** The territory described in section 2 of this act is detached from the municipality of Sept Cantons Unis du Saguenay and from the municipality of Manicouagan.

Paying of certain indebtedness. **53.** The town of Baie Comeau shall be bound to pay in their entirety all the indebtedness, if any, of the municipal corporations of Sept Cantons Unis du Saguenay and Manicouagan, as such indebtedness existed on the 31st of December, 1936.

Idem, as to certain religious parish. **54.** The town of Baie Comeau shall be bound to pay in their entirety all the indebtedness of the trustees for the religious parish in which the territory of the town is situated, as such indebtedness existed on the 31st of December, 1936.

Coming into force. **55.** This act shall come into force on the day of its sanction.