



CHAPTER 7

An Act to consolidate the charter of the town of Magog

[Assented to, the 10th of June, 1936]

WHEREAS the town of Magog has, by its petition, re- Preamble.
presented that its charter, the act 53 Victoria,
chapter 79, has been often amended, by both general and
special acts, making its charter difficult of interpretation,
and that it is expedient, under the circumstances, for the
good administration of the affairs of the said town, that
its charter be revised and consolidated; and

Whereas it is expedient to grant the prayer contained in
the said petition;

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

1. This act may be cited as the "*Charter of the Town of* Short title.
Magog".

2. The inhabitants of the town of Magog and their suc- Incorpora-
cessors are and remain incorporated, under the name of tion.
the "*Town of Magog*". Name.

3. The corporation so constituted is in the rights, privi- Vesting of
leges, obligations, titles, property, claims and actions of the rights, etc.
corporation of the town of Magog, to which it has suc-
ceeded.

4. The mayor and the aldermen of the town of Magog Continuing
at present in office shall remain, and they are hereby con- in office of
tinued in office for the whole of the period for which they present
have been elected, and they shall hold office until the ex- mayor and
piration of their mandate. aldermen.

Present municipal officers, etc. **5.** The present municipal officers and employees of the said town shall also remain in office.

By-laws, etc., to remain in force. **6.** All by-laws, resolutions, *procès-verbaux*, lists, rolls, ordinances, accounts for taxes and debts, plans, agreements, provisions and all acts, passed or adopted by the corporation or the council of the town of Magog, or their predecessors, and now in force, shall continue to have their full effect until set aside, repealed or accomplished.

Legal effect of previous notes, etc. **7.** All notes, bonds, obligations, bills, covenants or contracts subscribed, accepted, endorsed, consented, issued or contracted by the corporation or the council of the town of Magog or their predecessors, before the coming into force of this act, shall continue to have their legal effect.

Provisions applicable to town. **8.** The Cities and Towns' Act (Revised Statutes, 1925, chapter 102) and its amendments shall apply to the town of Magog, except the sections thereof which are repealed, amended or replaced, for the town of Magog, by this act, or which are inconsistent with certain provisions of this act, which provisions shall then apply.

Territory. **9.** The town of Magog shall include the territory as described and determined by the proclamation of the 28th of January, 1888, as follows: "All the territory situate in the said county of Stanstead, bounded towards the north, partly by the dividing line between lots Nos. four and five in ranges seventeen and eighteen of the township of Magog (formerly Bolton), and partly by the dividing line between lot No. nineteen of range twelve and lot No. twenty of range eleven of the township of Magog (formerly Hatley); on the south, partly by the middle line of lot seventeen which separates cadastral lot No. one thousand seven hundred and forty-eight from lot No. one thousand seven hundred and forty-seven in range thirteen of the aforesaid township of Magog, and partly by the dividing line between lots seventeen and eighteen in ranges thirteen and twelve of the same township; towards the east, partly by the line dividing cadastral lots Nos. one thousand seven hundred and forty-eight and one thousand seven hundred and fifty-one from lot No. one thousand seven hundred and fifty-two in range thirteen of the said township of Magog, partly by the line between ranges twelve and eleven which traverses lots Nos. nineteen and eighteen of the same township of Magog, and partly by the line traversing lots Nos. five and six between ranges eighteen and nineteen of the town-

ship of Magog (formerly Bolton); lastly, towards the west, by the middle of the Cherry river and by Lake Memphremagog”.

10. The municipality shall be divided into six wards. Wards.

11. The municipal council of the town shall be composed of a mayor and six aldermen. Composition of council.

12. Section 49 of the Cities and Towns’ Act (Revised Statutes, 1925, chapter 102) is replaced, for the town, by the following: R. S., c. 102, s. 49, replaced for town.

“**49.** The aldermen, for each of the six seats separately and numbered from one to six inclusively, shall be elected for two years, by the majority of the municipal electors of the ward who have voted.” Term of office of aldermen.

13. Section 56 of the said Cities and Towns’ Act and the first paragraph of section 61 of the said act, as subsequently amended, are replaced, for the town, by the following: R. S., c. 102, s. 56; s. 61, § 1, replaced for town.

“**56.** If any vacancy occur in the office of mayor or alderman, the council, at the regular or special meeting following such vacancy, in the case of the mayor, must appoint someone to replace him from among the members of the council, and, in the case of an alderman, the council must choose his substitute from the persons qualified to sit, among the ratepayers of the town of Magog. The person so appointed, either to replace the mayor or an alderman, shall remain in office during the remainder of the term for which his predecessor was elected.” Replacing in case of vacancy.

14. Section 57 of the said Cities and Towns’ Act is replaced, for the town, by the following: R. S., c. 102, s. 57, replaced for town.

“**57.** The council shall, after each municipal election, appoint an acting-mayor, who shall take the place of the mayor, in case of his absence or incapacity to fulfill the duties of his office, and shall be vested with all his powers for the whole time fixed by the council for the duration of his term of office. Upon the office of mayor becoming vacant, the acting-mayor shall exercise all the powers of the mayor, until a new mayor be appointed.” Appointment and powers of acting-mayor.

15. Section 58 of the said Cities and Towns’ Act is replaced, for the town, by the following: R. S., c. 102, s. 58, replaced for town.

If mayor
and acting-
mayor
absent.

“**58.** In the event of the absence of both the mayor and of the acting-mayor, the council may choose one of its members to preside at the sitting.”

R. S., c. 102,
s. 104, re-
placed for
town.

16. Section 104 of the said Cities and Towns' Act is replaced, for the town, by the following:

Appointing
of auditors.

“**104.** The council, at its first sitting, in the month of March each year, or as soon thereafter as possible, shall appoint one or two auditors, who shall fulfill the duties of their office until the entry into office of their successors.”

R. S., c. 102,
s. 106, re-
placed for
town.

17. Section 106 of the said Cities and Towns' Act is replaced, for the town, by the following:

Appointing,
etc. of as-
sessors.

“**106.** The council shall, at its first regular sitting in the month of March every year, appoint as many assessors as it may deem necessary. Such assessors shall hold office until their successors are appointed. The remuneration of such assessors shall be fixed by the council, which shall appoint one of the assessors chairman of the board. The council shall determine the manner in which the assessors shall divide their labours.”

R. S., c. 102,
s. 123, re-
placed for
town.

18. Section 123 of the said Cities and Towns' Act, as amended by the acts 18 George V, chapter 37, section 1; 20 George V, chapter 47, section 4, and 24 George V, chapter 32, section 1, is replaced, for the town, by the following:

Persons dis-
qualified
from hold-
ing muni-
cipal office.

“**123.** None of the following persons may be nominated or elected mayor or alderman, nor be appointed to nor hold any other municipal office:

1. Aliens;
2. Minors;
3. Persons in holy orders, and the ministers of any religious denomination;
4. Members of the Privy Council;
5. The judges or magistrates receiving emoluments from the federal or provincial government or from the municipality;
6. Officers on full pay of His Majesty's army or navy;
7. Keepers of taverns, hotels and restaurants, and persons who have acted as such within the municipality during the preceding twelve months;
8. Whosoever has had no residence in the municipality for at least twelve months previous to the election or nomination, except as regards the functions of manager and of auditor;

9. Whosoever has, directly or indirectly, by himself or his partner, any contract with the municipality. The word "contract", in this section, does not apply to the lease, sale or purchase of land, nor to a loan of money, nor to any agreement connected with such acts.

Nevertheless, a shareholder in an incorporated company which has any contract or agreement with the municipality or which receives any grant or subsidy therefrom, shall not be disqualified from acting as a member of the council; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to such company;

10. Whosoever cannot read or write fluently, even though he can read print or write his name or do both;

11. Any person convicted of treason or of any criminal offence punishable by imprisonment for at least two years;

12. Whenever the office of mayor or alderman is in question, any persons who are responsible for moneys belonging to the municipality, or who are sureties for any employee of the council, or who receive any pecuniary allowance or other consideration from the municipality for their services;

13. Whosoever has not paid all his municipal dues, with the exception of such amounts as remain to be paid owing to involuntary error or omission."

19. Section 186 of the said Cities and Towns' Act is replaced, for the town, by the following:

R. S., c. 102,
s. 186, re-
placed for
town.

"186. With each nomination-paper, there shall be filed:

Documents
to be pro-
duced with
nomination-
paper.

1. A declaration from the candidate or some other person stating under oath that the candidate is a British subject and that he is duly qualified, and containing a description of the immoveable property on which such qualification is based;

2. A certificate from the clerk, establishing the value of the said property according to the valuation roll in force;

3. A certificate from the secretary-treasurer of the town showing that the candidate owes nothing to the municipality for taxes, water rates or any other municipal dues."

20. Section 210 of the said Cities and Towns' Act is replaced, for the town, by the following:

R. S., c. 102,
s. 210, re-
placed for
town.

"210. The poll shall be opened at the hour of nine of the clock in the forenoon and kept open until five of the clock in the afternoon of the same day. Each deputy

Hours for
polling.

returning-officer shall, during that time, in the polling-station assigned to him, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling-station."

Provisions not applicable to town.

21. Sections 342, 343 and 344 of the said Cities and Towns' Act shall not apply to the town of Magog

R. S., c. 102, s. 346, replaced for town.

22. Section 346 of the said Cities and Towns' Act is replaced, for the town, by the following:

Council meetings.

"**346.** The council shall meet at least once a month, in general or ordinary session, to despatch the business of the town, and shall hold its sittings on the days and at the hours which it determines by by-law."

R. S., c. 102, s. 348, replaced for town.

23. Section 348 of the said Cities and Towns' Act is replaced, for the town, by the following:

Quorum.

"**348.** The majority of the members of the council shall constitute a quorum for the transaction of business except if otherwise prescribed by this act. The mayor shall be considered as a member of the council to form a quorum.

Absolute majority.

The absolute majority of the members of the council shall consist of four aldermen and of the mayor or of the alderman replacing the mayor."

Constructing, etc., of power, etc., plants.

24. In addition to the powers already possessed by it, the town of Magog may construct, maintain and operate gas or electric light and power plants and it may purchase, lease and sell electric energy and motive power in the town or beyond its limits, within a radius of ten miles. For such purposes the town may acquire and hold any water-power, right of passage, servitude and usufruct, within a radius of thirty miles from the town.

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

25. Paragraph 13 of section 426 of the said Cities and Towns' Act is replaced, for the town, by the following:

License for dogs.

"13. To subject to a license of not over five dollars every dog kept in the town and to regulate the keeping of dogs; to muzzle dogs; and to authorize the summary destruction of dogs running at large.

From whom exigible.

Every license imposed under a by-law made under this act shall be exigible from the owner, keeper or person in possession of dogs. The council may enact and order how dogs kept in the town, for which no license has been paid, shall be disposed of;".

26. Section 428 of the said Cities and Towns' Act is R. S., c. 102, amended, for the town, by adding thereto the following paragraph: for town.

"11. To regulate dance halls and night restaurants, to Regulating, etc., of dance halls, etc. compel them to close at certain hours in the evening and to remain closed until the next morning, to license them on conditions deemed proper; to establish, define and determine, what, for the purposes hereof, constitutes a dance hall and a night restaurant."

27. Section 429 of the said Cities and Towns' Act, as R. S., c. 102, amended by the acts 19 George V, chapter 34, section 2, and 23 George V, chapter 44, section 1, is again amended, s. 429, am. for town. for the town, by replacing paragraph 19 thereof by the following:

"19. To levy by special tax on all immoveables fronting Snow re-oval tax. on any street or public place or part thereof funds sufficient for the removal of snow from such street, public place or part thereof, provided that the majority of the owners of the said immoveables have applied therefor by petition. Proviso.

The said tax shall be imposed upon the immoveables How tax imposed. situated on such street or public place in which the snow is removed, and shall be calculated according to the municipal valuation or according to the extent of the frontage of the said immoveables;".

28. Section 448 of the said Cities and Towns' Act is R. S., c. 102, replaced, for the town, by the following: s. 448, re-placed for town.

"**448.** In every instance where a dwelling-house or other building is occupied by two or more tenants, subtenants or families, the municipality may require from the owner that a separate and distinct service pipe be provided by him for each such tenant, subtenant or family, occupying separate apartments, and such service pipe must be furnished with a stop-cock in the cellar of the said house or building, approved by the waterworks superintendent, so that the municipality may at all times have control over the supply of water furnished to each such tenant, subtenant or family, as in the case of single tenanted houses; and if the property-owner, after being notified in writing to that effect by an officer of the council, refuses or neglects to comply with the requirements of this section within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of the rates imposed for the water so supplied to the said tenants, subtenants or families; and such liability on the part of the property-owner shall continue so long as he does not comply with the requirements aforesaid."

R. S., c. 102, s. 449b, added for town. **29.** The said Cities and Towns' Act is amended, for the town, by adding thereto, after section 449a thereof, as enacted by the act 22 George V, chapter 50, section 4, the following section:

Sums due for water supplied.

"449b. The sums owing to the town of Magog, for water supplied to proprietors, tenants, subtenants or occupants, shall be privileged debts which shall affect the immoveables in which the water is so supplied and shall rank immediately after municipal taxes, without prejudice to the proprietors' recourse against his tenant, subtenant or occupant, with the lessor's privilege.

Avoiding of liability by proprietor.

The proprietor may, however, avoid such liability for his tenant, subtenant or occupant, by allowing the person in charge of the collection of the town water tax to close the supply pipe of his immoveable, while and as long as such tenant, subtenant or occupant may occupy the said immoveable and the sums due for water shall not have been paid."

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

30. Section 523 of the said Cities and Towns' Act is replaced, for the town, by the following:

Annual tax on tenants.

"523. a. The council may impose and levy annually on all tenants paying rent in the municipality an amount of not more than five cents in the dollar on the amount of their rent or of the annual value of the property, as entered on the valuation roll. Every person occupying property or part of any property of which he is neither the owner nor the lessee shall be liable for the payment of such tax.

Persons, etc., operating chain-stores.

b. In addition to any other tax, the council may impose and levy, in the form of a permit, an annual tax upon every person, firm, company or corporation, operating one or more chain-stores within the limits of the town, said tax not to exceed two hundred and fifty dollars for each store.

"Chain-store" defined.

For the purposes of this paragraph the word "chain-store" shall include a store forming part of a series of more than two commercial establishments, practically similar, belonging to the same proprietor."

R. S., c. 102, ss. 525a, 525b, added for town.

31. The said Cities and Towns' Act is amended, for the town, by adding thereto, after section 525 thereof, the following sections:

“525a. The council may impose and levy upon every ^{Poll-tax.} person, of the male sex, twenty-one years of age and over, working on a salary in the town and not burdened with any tax under the town charter and by-laws, an annual tax of two dollars.

“525b. Every person practising in the town the pro- ^{Persons} fession of advocate, doctor, surveyor, notary, dentist, ^{practising} surgeon, oculist, accountant, architect, chiropractor, oste- ^{liberal} o- ^{profession.} path or other liberal profession, and having an office therein, shall pay an annual tax of twenty dollars.”

32. The said Cities and Towns' Act is amended, for ^{R. S., c. 102,} the town, by inserting therein, after section 526 thereof, ^{s. 526a, add-} the following section: ^{ed for town.}

“526a. The town council may, by ^{by-law,} impose and ^{Imposing of:} levy, in addition to all other taxes, all or any of the following taxes:

a. A tax called “business tax” on all trades, manufac- ^{Business} tures, occupations, businesses, arts, professions or means ^{tax;} of profit or livelihood, which now are or may hereafter be exercised, practised or put into operation by any person or company in the town, provided that such business tax do not exceed seven and one-half per cent of the annual value of the premises where such trades, manufactures, occupations, businesses, arts, professions or means of profit or livelihood are done or carried on; such value to be established by the municipal assessors. This paragraph shall not apply to judicial sales nor to persons or corporations or companies paying certain annual dues, or taxes, or licenses, or permits, if they are already affected by section 526;

b. A special tax of not more than two hundred dollars ^{Special tax} on every peddler, on every itinerant merchant, and on ^{on peddlers,} every other person who comes into the town temporarily ^{etc.} to dispose of a bankrupt stock or stock-in-trade, effects or merchandise, by auction or private sale; such tax shall be exigible forthwith from such persons on demand, and, in default of immediate payment, may be recovered without delay, by suit with seizure before the Magistrate's Court, without prejudice to the right to impose, in addition, the taxes provided for the kind of business in question.”

33. Municipal dues and the interest thereon shall ^{Ranking,} constitute a privileged claim, exempt from the formality ^{etc., of mu-} of registration, and, in the distribution of monies by order ^{nicipal dues.} of the court, according to law or by means of a voluntary

liquidation, such dues shall be collocated by preference over all other claims, as well on the proceeds of moveable property as on those of immoveable property, immediately after Crown claims.

Fixing, etc.,
of duties or
taxes.

34. The amount of duties or taxes, which the council may impose under this act, shall be fixed and determined by the council, at its discretion, and may be imposed and levied either by the same by-law or by different by-laws, or by resolution, and shall be payable annually, at the time fixed by the council.

When tax
levied by
resolution.

35. When a tax is levied by a resolution, it shall be valid only for the taxes so levied during the then current year.

When tax
levied by
by-law.

The taxes levied by by-law are imposed permanently to be collected annually by the town treasurer like other taxes, at the time fixed by the by-law, without other municipal decision, until repeal or amendment of the by-law in the ordinary manner.

R. S., c. 102,
s. 527, re-
placed for
town.

36. Section 527 of the said Cities and Towns' Act, as amended by the act 17 George V, chapter 32, section 2, is replaced, for the town, by the following:

Taxes may
be in form of
license or
permit.

"527. The taxes enumerated in this act may, as far as possible, but in the discretion of the council, be imposed and levied in the form of a license or permit signed by the treasurer, and thereupon such taxes shall be payable annually, at such time and under such conditions and restrictions as the council may determine; and, in such case, the persons liable for such taxes need not be mentioned in the valuation or the collection roll."

Proportion-
al payment
of certain
assessment.

37. The town of Magog may cause to be paid and levied any assessment on the properties or proprietors of the town or of certain parts only of the town, in proportional shares, as the council may determine, for the construction and maintenance of all sidewalks and of all sewerage, water or other underground conduits, in proportion to the frontage or the area of each property served or destined to benefit therefrom.

Payment for
cost of cer-
tain paving.

38. When, by by-law, the council decides and orders the paving of a street, public way, square or public place, in whole or in part, with permanent material or declared such by the council, the cost of the paving shall be paid

half by the town and half by the bordering owners of the immoveables situated on such street, public way, square or public place or part thereof.

39. When necessary to renew or repair, in a street or part of a street, private waterworks, gas or electricity pipes or other underground conduits to connect with the drainage, waterworks or electricity system of the town of Magog, the town will construct them and may recover from each of the bordering property-owners the amount expended for such purpose.

Renewal, etc., of certain conduits.

40. Section 610 of the said Cities and Towns' Act is replaced, for the town, by the following:

R. S., c. 102, s. 610, replaced for town.

“610. Fines imposed by the by-laws of the council, or by the provisions of the Cities and Towns' Act or of the charter, shall be recoverable either before a justice of the peace resident in the municipality, or before the district magistrate sitting at Magog for the county of Stanstead, or at Sherbrooke for the district of St. Francis.”

Recovery of fines.

41. No recourse may be exercised against the town to recover the dues and taxes heretofore paid to the town by the members of the liberal professions and by telephone companies.

Certain right of recovery prohibited.

42. The provisions of Part I of the act 53 Victoria, chapter 79, and the acts amending the same, directly or indirectly, are repealed:

Provisions repealed.

1. Wherever this charter contains any provision which, expressly or impliedly, has that effect;

2. Wherever they are contrary or inconsistent with any provision of this charter.

This charter, except when it contains provisions differing from those contained in the previous acts respecting the town, shall not be deemed to constitute new law, but shall be interpreted and have force of law as a consolidation, and as declaratory of the law as it existed at the time of its coming into force.

Interpretation.

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

Coming into force.

