



CHAPTER 13

An Act to incorporate the town of Lake St. Joseph

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

WHEREAS Gabriel Vallerand, architect; Adjutor Perreault, manager; Jean Saucier, manager; Célestin Simard, contractor; Gustave Vallerand, civil employée; Thomas Maher, forest engineer; Maida Arthur, spinster, of the age of majority; Gazoli Martin, manager, and J. Gerald Coote, advocate, have, by their petition, represented:

That a great number of families from the city of Quebec and elsewhere possess property in that portion of the territory of the municipality of the parish of Ste. Catherine-de-Fossambault, county of Portneuf, known as a summer resort under the name of Lake St. Joseph;

That a great majority of these families summer at this place and others stay a longer time;

That the municipal administration no longer suffices for their needs and it has become necessary to take more ample measures for the administration of the said territory;

That it is in the public interest that the portion of territory described in section 2 of this act be erected into a town corporation under the name "Town of Lake St. Joseph", in accordance with the provisions of the Cities and Towns' Act, subject to the derogations herein; and

Whereas it is expedient to grant the prayer to that effect 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. The inhabitants and ratepayers of the territory hereinafter described are hereby incorporated as a town under the name of "Town of Lake St. Joseph".

Preamble.

Incorporation.
Name.

Territory
comprised.

2. The town of Lake St. Joseph shall comprise the hereinafter described territory, each property being designated by the number in the cadastre of the municipality of Ste. Catherine-de-Fossambault, included in the official cadastre of the municipality of Ste. Catherine-de-Fossambault. Such territory shall comprise a large part of Lake St. Joseph and its bed, as well as the isles and islets therein situated, lake à la Pelle, lake Grillade, a small portion of river Aux Pins, all the following complete lots bordering on Lake St. Joseph and all their subdivisions: lots Nos. 754, 753, 752, 751, 750, 860, 694 and a part of lots Nos. 693, 692 and 691, also bordering on the lake; lot No. 758 of range IX, lots Nos. 662 and 759 of range X, and a part of lot No. 757 of range XI. Lots Nos. 758, 759 and a part of lot No. 757 are next to lot No. 860, whilst lot No. 662 is next to lot No. 759. Such territory is bounded as follows:

Towards the southwest, by lots Nos. 755 and 757; to the northwest, by the northern part of lot No. 757 and a small portion of the township of Gosford; to the north, by the remaining portion of lot No. 757; to the northeast, by lots Nos. 661, range X, and 640 of range IX; to the southeast, by lots Nos. 667 to 677 inclusively of range VIII, by the northeast part of lots Nos. 693, 692, 691, by lot No. 690 and by an imaginary middle line starting from the extension of the line separating lots 690 and 691, to the centre of lake St. Joseph, and going in a generally southwesterly direction, passing midway between the shores of lake St. Joseph, until it meets an upright raised on the shore at the site of the line separating lots Nos. 754 and 755. The area of such territory is about ten thousand two hundred and forty acres or 16.44 square miles, and can be more specially described as follows:

Starting from lake St. Joseph following the line separating lots Nos. 755 and 757 from lots Nos. 754, 753, 752, 751, 750 and 860 in a northwesterly direction to a point called A; thence, following the watershed of Lake St. Joseph to a point called K situated on the outer line of the township of Gosford, with the following courses: S.45°W, 11.975; N.71°18W, 17.25; N.57°23W, 21.55; N.30°05°W, 39.53; N.9°55°E, 46.62; S.80°40°E, 20.64; N.24°52°E, 129.50; N.30°30°W, 21.80; N.52°W, 20.35; N.11°27°E, 31.16; and thence, to a point V situated at the northwest extremity of the division line of lots 759 and 662 on the front of range XI, following the following courses:

N.45°E, 11.875; S.56°10°E, 37.57; S.74°56°E, 61.77; N.4°40°E, 58.55; N.47°47°E, 15.53; N.82°30°E, 34.66;

N.50° 34°E, 34.43; S.43° 32°E, 23.19; S.22° 56°E, 16.67; S.66° 56°E, 2.82; S.60° 14°E, 4.24; and thence, following the front of range XI to the separating line of lots Nos. 661, 662, and following the latter southeasterly to the front of range X, then, on the front of that range as far as the separating line of lots Nos. 758 and 640, then, following the latter to the front of range IX, then, in a southwesterly direction, following the front of range IX as far as lot 860, then, in a southeasterly direction following the line which separates lots Nos. 860 and 694 from lots Nos 675, 676 and 677 as far as the separating line of lots Nos. 693 and 694, and thence, in a southwesterly direction, following the last line to the eastern extremity of the property of Mr. J. J. White of which we follow the boundary on the east side, crossing lots Nos. 693, 692 and 691 to the separating line of lots Nos. 690 and 691; thence, following the last line to an imaginary point situated in the middle of lake St. Joseph on the extension of the separating line of lots Nos. 690 and 691, and thence, in a southwesterly general direction, passing midway between the shores of lake St. Joseph, until an upright is met raised on the shore at the site of the separating line of lots Nos. 754 and 755, which was the starting point.

3. The corporation hereby constituted shall be governed by the Cities and Towns' Act (Revised Statutes, chapter 102), except the sections which are derogated from. Provisions applicable to town.

4. The town shall comprise six wards:

Ward No. 1.—This ward is bounded to the southeast by lake St. Joseph, to the west, by lots 755 and 757, to the north, by an imaginary line crossing lot 860 on a course of 253°00' starting from lake St. Joseph, at the site of the separating line of lots Nos. 750-3 and 750-4, to the east by lake St. Joseph. Division into wards.

Ward No. 2.—This ward is bounded to the south by ward No. 1, to the southwest, by lot No. 757, to the northwest by an imaginary line crossing lot No. 860 on a course of 242°00' starting from the shore of lake St. Joseph at a determined point "A" situated in the direction 307°10' at a distance of 5,770 feet (more or less) from the intersection of the lake shore by the separating line of wards No. 1 and No. 2, to the east by lake St. Joseph.

Ward No. 3.—This ward is bounded to the south by ward No. 2, to the west, by lot 757 (watershed of the lake), to the north, by an imaginary line crossing lots Nos. 860 and 757 (to the watershed) on a course of 271°30' leaving

the shore of lake St. Joseph at the site of the separating line of lots Nos. 860-13 and 860-52, to the east by lake St. Joseph.

Ward No. 4.—This ward is bounded to the south by ward No. 2, to the west, by lot 757 (watershed), to the north, by an imaginary line crossing lots 860 and 757 (to the watershed) on a course of $289^{\circ}15'$ and starting from a point called "B" established on the shore of the lake at a distance of 4,880 feet (more or less) on a course of $32^{\circ}30'$ from the separating line of wards Nos. 3 and 4 at the shore, to the east by lake St. Joseph.

Ward No. 5.—This ward is bounded as follows: to the south, by lake St. Joseph and ward No. 4, to the northwest, by lot No. 757, a part of the township of Gosford and the northern part of lot No. 757, to the northeast, by lots Nos. 661 of range X, 640 of range IX and part of the rear line of range VIII as far as the separating line of wards Nos. 5 and 6, to the southwest, by an imaginary line crossing lot No. 860 on a course of $97^{\circ}45'$ on leaving a point called "C" established on the shore of lake St. Joseph, on leaving the point "B" on a course of $93^{\circ}00'$ and a distance of 5,590 feet (more or less).

Ward No. 6.—This ward is bounded to the west by lake St. Joseph, to the north, by ward No. 5, to the east, by lots Nos. 674, 675, 676 and 677 of range VIII, to the south, by a portion of lots Nos. 693, 692, 691 and 690 and a part of river Aux Pins.

R. S., c. 102,
s. 47, re-
placed for
town.

Composi-
tion of coun-
cil.

5. Section 47 of the said Cities and Towns' Act is replaced, for the town, by the following:

"**47.** The municipal council shall be composed of a mayor and six aldermen elected in the manner hereinafter prescribed."

Provisions
not applic-
able to town.

6. Paragraph 2 of section 60, and paragraph 8 of section 123 of the said Cities and Towns' Act, the said section 123 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, shall not apply to the town.

R. S., c. 102,
s. 122, re-
placed for
town.

Municipal
office.

7. Section 122 of the said Cities and Towns' Act is replaced, for the town, by the following:

"**122.** Every male person, not declared disqualified by law, may hold any municipal office."

8. Voting shall be had at one place within the limits of the town, chosen by a resolution of the council or, in default, by the returning-officer. Voting.

9. Section 173 of the said Cities and Towns' Act, as amended by the act 23 George V, chapter 43, section 1, is replaced, for the town, by the following: R. S., c. 102, s. 173, replaced for town.

"173. The general election for mayor and aldermen shall be held every two years, on the first juridical Tuesday of August, in accordance with the provisions hereinafter contained. Date of general elections.

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. 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 sections 12 and following of this act. Proceedings.

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." Notice.

10. Section 175 of the said Cities and Towns' Act, as amended by the act 21 George V, chapter 55, section 1, is replaced, for the town, by the following: R. S., c. 102, s. 175, replaced for town.

"175. Eight days at least before the last Tuesday of July 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 is unable to perform his duties as such clerk." Appointment of election clerk.

11. Section 179 of the said Cities and Towns' Act, as amended by the act 21 George V, chapter 55, section 2, is replaced, for the town, by the following: R. S., c. 102, s. 179, replaced for town.

"179. Eight days at least before the first Tuesday of July, 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 polling-station will be open for taking the votes of the electors in case a poll is necessary;
3. The appointment of the election clerk.

R. S., c. 102, s. 181, replaced for town. **12.** Section 181 of the said Cities and Towns' Act, as amended by the act 21 George V, chapter 55, section 3, is replaced, for the town, by the following:

Date of nomination. **"181.** The nomination of candidates at a general election shall be held on the last Tuesday of July from eight to ten o'clock in the evening. If such day be a holiday, it shall be held on the first juridical day following such date, and during the same hours."

R. S., c. 102, s. 210, replaced for town. **13.** Section 210 of the said Cities and Towns' Act is replaced, for the town, by the following:

Hours for polling. **"210.** The poll shall be open from two o'clock in the afternoon until ten o'clock in the evening of the same day. A returning-officer shall, during that time, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote in the municipality."

R. S., c. 102, s. 220, replaced for town. **14.** Section 220 of the said Cities and Towns' Act is replaced, for the town, by the following:

Calling upon electors to vote. **"220.** At exactly two o'clock in the afternoon, immediately after the ballot-box is locked, the returning-officer shall call upon the electors to vote.

Voters not to be impeded. The returning-officer shall secure the admittance of every elector into the polling-station, and shall see that he is not impeded or molested in or about the polling-station."

R. S., c. 102, s. 240, replaced for town. **15.** Section 240 of the said Cities and Towns' Act is replaced, for the town, by the following:

Closing of poll. **"240.** 1. At ten o'clock in the evening the polling-station and the voting shall be closed; and an entry thereof shall be made in the poll-book.

Counting of ballot-papers. 2. Immediately after the close of the poll the returning-officer shall first place all the spoiled ballots in an envelope and seal it up. He shall then count the number of voters whose names appear on the poll-book as having voted, and make an entry thereof on the line immediately below the name of the voter who voted last, thus: "*The number of voters who voted at this election in the polling-station is (stating the number at length)*", and he shall sign his name thereto. Then, in the presence and in full view of the poll-clerk and the candidates or their agents—if the candidates and their agents or any of them be absent, then in the presence of such, if any, of them as are present and of at least three electors—he shall open the ballot-box

and proceed to count the number of votes given for each candidate. Each person present shall have the right to examine each ballot.

3. In counting the votes, the returning-officer shall reject; Rejecting ballots.

a. every ballot-paper which has not been supplied by him;

b. every ballot-paper upon which appears more than one vote;

c. every ballot-paper upon which there is any writing or mark by which the voter could be identified, other than the numbering by the returning-officer in the cases hereinafter provided for;

d. every ballot-paper left in blank or null owing to the intention of the voter not being clearly shown;

e. every ballot-paper which does not have his initials thereon, saving the case of section 241."

16. Section 521 of the said Cities and Towns' Act is replaced, for the town, by the following: R. S., c. 102, s. 521, replaced for town.

"**521.** The council may impose and levy, annually, on every construction in the municipality, a tax of not more than two per cent of the real value as shown on the valuation roll. Annual tax upon constructions.

The council may, moreover, impose and levy, annually, on riparian properties on the lake and abutting on the proposed road partly built and called Boulevard St. Joseph, a tax which shall not exceed twenty cents per acre and a tax of two and one-half cents per acre on what is not included above. Annual tax upon certain riparian properties, etc.

Except the special taxes it is empowered to levy under this act or other special or general laws, when the tax imposed under this section amounts to two per cent of the real value of the taxable constructions, as shown on the valuation roll, the council cannot impose further taxes without the authorization of the Lieutenant-Governor in Council, upon the recommendation of the Minister of Municipal Affairs. Approval for further taxes.

The Minister of Municipal Affairs shall publish, in the *Quebec Official Gazette*, a copy of the order-in-council approving any such by-law." Publication of approval.

17. The waters of Lake St. Joseph shall be open to the use of the inhabitants of the municipality of Ste. Catherine-de-Fossambault and of the Town of Lake St-Joseph, the whole subject to the hygiene laws of the Province. Use of waters of Lake St. Joseph.

Sittings of council

18. Except in the months of July and August, the council may sit in the city of Quebec at a place which may be fixed by resolution of the said council.

Provisional municipal council.

19. From and after the coming into force of this act, the following persons shall constitute the provisional municipal council of the town of Lake St. Joseph: J. Gerald Coote, advocate; Raymond Garneau, broker; Ernest Labrègue, notary; Thomas Maher, forest engineer; Gazoli Martin, manager of Cie Martin Limitée; Célestin Simard, contractor, and Gabriel Vallerand, architect.

Mayor thereof.

The said provisional council shall elect a mayor from amongst its members and such election shall be held in the city of Quebec.

Term of office.

The said provisional council shall remain in office until the first general election which shall be held on the first juridical Tuesday of August, 1936.

Filling of vacancy.

Subject to the provisions of this act, at the expiration of such period, the election of the mayor and aldermen shall be held in accordance with the provisions of the said Cities and Towns' Act; and 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.

Paying of share of present debts of Ste. Catherine-de-Fossambault.

20. The town shall be obliged to pay its share of the present debts of the corporation of the municipality of Ste. Catherine-de-Fossambault, proportionately to the present valuation of the lands detached from the said municipality, as entered on the valuation roll in force in the said municipality at the time of the coming into force of this act, and the settlement of the said debts between the parties shall be effected in accordance with the provisions of articles 50 and following of the Municipal Code of Quebec.

Provisions applicable.

Final settlement.

The town shall, however, at any time, have the right to free itself forever from the said debt by paying to the corporation of the municipality of Ste. Catherine-de-Fossambault the principal of its share and all arrears of interest then due.

Use thereof.

The share of the principal so paid by the town shall be placed in the sinking-fund intended to repay the said debts.

Approval therefor.

Any such settlement of debt must be approved by the Minister of Municipal Affairs.

Coming into force.

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