



## CHAPTER 111

### An Act to consolidate the charter of the city of Salaberry-de-Valleyfield

[Assented to, the 19th of February, 1932]

**W**HEREAS the city of Salaberry de Valleyfield has, by Preamble.  
its petition, represented that its charter, the act 57  
Victoria, chapter 63, has undergone many amendments, by  
general and special acts, and that such changes are of a  
nature to hinder the administration of the city by making  
the law in its regard difficult of interpretation and, under  
the circumstances, it is preferable, even urgent, that the  
charter of the said city be consolidated, and

Whereas it is expedient to grant the prayer of 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:

#### DIVISION I

##### VARIOUS PROVISIONS

#### *Declaratory and interpretative*

**1.** This act shall be known under the name of "Charter Short title.  
of the city of Salaberry-de-Valleyfield".

**2.** The act 57 Victoria, chapter 63, and the various acts Acts re-  
amending it (namely 4 Edward VII, chapter 60, and 1 pealed.  
George V, chapter 53) are hereby repealed and replaced.

The act 46 Victoria, chapter 83, shall, however, con- Act not  
tinue to have its effect. affected.

Provisions  
applicable.

**3.** The sections of the Cities and Towns' Act, Revised Statutes, 1925, chapter 102, and its amendments, which are not expressly excluded by this act, shall apply to the corporation of the city of Salaberry-de-Valleyfield.

R. S., c. 102,  
s. 4, re-  
placed for  
city.

**4.** Section 4 of the said Cities and Towns' Act is replaced, for the city, by the following:

Interpreta-  
tion.

**"4.** Unless the context of the provisions indicates or declares otherwise, the following expressions and terms have the meaning, sense and application which are respectively assigned to them in this section:

**"Council";** 1. The word "council" signifies the council of the corporation of the city of Salaberry-de-Valleyfield;

**"Corporation";** 2. The expression "corporation" signifies the corporation of the city of Salaberry-de-Valleyfield;

**"City";** 3. The expression "city" means the city of Salaberry-de-Valleyfield, and the word "town" wherever it occurs means the said city unless the context implies otherwise;

**"Town";** 4. The word "mayor" means the mayor of the city of Salaberry-de-Valleyfield;

**"Mayor";** 5. The expressions "members" or "members of the council" mean the members of the council of the city of Salaberry-de-Valleyfield, who are the mayor and aldermen. The word "councillor" wherever it occurs means aldermen;

**"Council-  
lor";** 6. The words "clerk" or "city clerk" signify the clerk of the city of Salaberry-de-Valleyfield, unless the context implies otherwise;

**"Clerk";** 7. The word "treasurer" means the treasurer of the city of Salaberry-de-Valleyfield;

**"Treas-  
urer";** 8. The word "ratepayer" means any person who is bound to pay to the corporation any assessment or tax of any kind whatsoever, or water or light rates;

**"Rate-  
payer";** 9. The word "elector" signifies any municipal elector of the said city, who is qualified to vote at the time he exercises his right as an elector;

**"Elector";** 10. The expression "electors who are proprietors" means all those who are entered on the valuation roll in force in the city as proprietors of taxable real estate, either in their own name, or in that of their wives, and who, at the time they exercise their rights as electors, are still proprietors in possession of the same property.

**"Electors  
who are  
proprie-  
tors";** Idem. The elector who is proprietor may be a woman of the age of majority, single or a widow;

11. The expression "municipal dues" means all taxes, "Municipal dues"; whether general or special, imposts, dues, assessments for drains, or other purposes, apportionments, licenses, special assessments, rates or compensation for water and lighting, when the same may apply, fines or penalties, as well as all debts due to the corporation and forming part of its revenue;

12. The word "contract" does not apply to the lease of "Contract"; stalls or shops, nor to the lease, sale or purchase of land, nor to loans of money, nor to any agreement in connection therewith, nor to any agreement for the supplying of any goods or effects whatsoever in the ordinary course of the business of the corporation, when the total cost of any such goods or effects shall not exceed, annually, the sum of two hundred dollars, nor to any professional work done for the said corporation, when the fees shall not exceed, in any one year, the sum of two hundred dollars;

13. The words "assessors" and "valuators" are synony- "Assessors"; mous;

14. The expressions "valuation roll" and "assessment roll" are synonymous; "Valuation roll";

15. The expressions "police officers" and "constables" "Police officers"; are synonymous;

16. The expressions "bonds" and "debentures" are "Bonds"; synonymous and mean the bonds which the council is empowered to issue;

17. The expressions "deputy-mayor", "acting mayor" "Pro-mayor"; and "pro-mayor" are synonymous and mean the "pro-mayor"; mayor";

18. The words "Magistrate's Court" mean the District "Magistrate's Court"; Magistrate's Court having jurisdiction within the limits of the city, established by proclamation of the Lieutenant-Governor and presided over by a District Magistrate;

19. The words "Superior Court" and "Circuit Court of the District" mean the Superior Court and the district "Superior Court"; Circuit Court having jurisdiction within the limits of the city according to law;

20. The term "justice of the peace" includes equally the "Justice of the peace"; recorder, and the mayor and every alderman acting *ex officio* as a justice of the peace;

21. The word "proprietor" means a person who possesses "Proprietor"; or whose wife possesses an immoveable as owner or usufructuray thereof, or one who is proprietor only of the buildings erected on a lot of land, without being proprietor of the land itself; he who has the enjoyment and usufruct of

an immoveable has the right to vote as proprietor of such immoveable, to the exclusion of the person who is only owner thereof;

“Tenant”; 22. The word “tenant” comprises both the person who pays rent in money or in kind, and the person who is obliged to give to the proprietor any portion whatever of the fruits and revenues of the immoveable which he occupies; every tenant, to be an elector, must be a householder in the said city, except tenants of stores, shops or offices;

“Immoveables”; 23. The words “immoveables” or “real estate” or “immoveable property” mean every immoveable and, amongst other things, comprise all lands, town lots or portions of lots, and all buildings, all wharves, whether filled in or resting on piles, and all mills or other buildings erected on the river St. Lawrence or on the Beauharnois canal;

“Charter”; 24. The word “charter” means this act applying to the city of Salaberry-de-Valleyfield, unless the context signifies otherwise;

“District”; 25. The word “district” means any judicial district established by law, and more particularly the district in which the city is situated;

“Sitting”; 26. The word “sitting” or “session” used alone, means indifferently an ordinary or general sitting, or a special sitting of the council;

“Municipal office”; 27. The words “municipal office” mean all the offices and functions discharged by the members or officers of the council;

“The day following”; 28. The expression “the day following” does not mean or include holidays unless the act in question may be done upon a holiday;

“Occupant”; 29. The word “occupant” means any person who occupies an immoveable in his own name, otherwise than as proprietor, usufructuary or institute, and who enjoys the revenues derived from such immoveable;

“Election officer”. 30. The expression “election officer” means the returning-officer and election clerk and every deputy returning-officer and poll-clerk appointed for an election.

## DIVISION II

### *Temporary provisions*

Corporation substituted for former corporation. 5. The corporation, as hereby constituted, is substituted for all purposes whatsoever for the aforesaid corporation, “The corporation of the city of Salaberry-de-Valleyfield”, and succeeds to all its rights, powers, privileges, debts and obligations.

It is vested with all the powers, rights and privileges Powers, etc. conferred by the acts repealed by section 2 of this act, and shall be bound to perform all the duties imposed by the said acts, except where the contrary is declared by this act.

**6.** The mayor and aldermen of the city of Salaberry-de-Valleyfield shall remain in office until their respective terms Term of office of mayor, etc. of office expire.

**7.** The present municipal officers and employees of the said city shall likewise remain in office until they are re-moved or replaced by the council. Present municipal officers.

**8.** All *procès-verbaux* governing water-courses and streets, assessment rolls, statements of dues, by-laws, orders, lists, rolls, plans of the city, resolutions, ordinances, agreements, provisions, engagements or municipal acts Previous procès-verbaux, etc., continued in force. whatsoever, passed and agreed to by the mayor and council of the city of Salaberry-de-Valleyfield, or their predecessors, shall continue to have full force and effect until they are cancelled, amended, set aside or accomplished.

**9.** All notes, bonds, debentures or obligations and all negotiable instruments and engagements whatsoever signed, accepted, endorsed, issued, or contracted by the council of the city up to the coming into force of this act, shall have all their legal effect. Legality of bonds, etc.

### DIVISION III

#### *Organization of the corporation*

##### INCORPORATION OF THE CITY

**10.** Section 25 of the said Cities and Towns' Act is re-placed, for the city, by the following: R. S., c. 102, s. 25, re-placed for city.

**"25.** The inhabitants of the city of Salaberry-de-Valleyfield, and their successors, are hereby constituted a body politic and corporate, under the name of "The city of Salaberry-de-Valleyfield". Incorporation. Name.

**11.** The city shall be and remain separate from the county of Beauharnois for municipal purposes. Separation for municipal purposes

**12.** Section 26 of the said Cities and Towns' Act is re-placed, for the city, by the following: R. S., c. 102, s. 26, re-placed for city.

Powers:	<b>"26.</b> The corporation of the city, under its corporate name, shall have perpetual succession, and may:
Sue and be sued;	1. Sue and be sued in any cause or proceeding and before any court of justice;
Seal;	2. Have a common seal, which it may change or alter at will;
Accept, etc., donations, etc.;	3. Accept donations or bequests, and acquire, transfer and alienate all real and personal property for the use of the city;
Contracts, etc.;	4. Enter into and become a party to contracts, transactions and agreements, within the limits of its powers;
Sign, etc., bills, etc.;	5. Sign, draw, endorse, transfer, give, accept or receive notes, bills of exchange, cheques, bonds, obligations, debentures, judgments, securities or other titles, whether negotiable or not, in fulfilment of all rights and powers conferred upon it by its charter and by law, and of the duties and obligations devolving upon it;
Issue promissory notes;	6. The council may, by resolution, without being authorized by the electors who are proprietors, issue promissory notes with or without interest, payable at such places, and under such terms and conditions as it may deem proper, for the settlement of interest on moneys due, accounts or other running expenses; but the total aggregate amount of these notes shall not, at any one time during the year, exceed a sum equal to one-half of the annual interest paid during the preceding year, and such notes must be reimbursed and paid at short terms, from the ordinary revenues of the city;
Restriction;	
Other powers.	7. The corporation may, generally, exercise all the powers vested in it or which are necessary for the objects of this charter.

#### BOUNDARIES AND WARDS

Territory of city.	<b>13.</b> The city shall comprise all that extent of territory contained within the present limits of the city of Salaberry-de-Valleyfield, comprised within the following boundaries, to wit:
Description.	Starting at a point situated at the intersection of the division line between Nos. 537 and 117-17 on the official plan and book of reference of the city of Salaberry-de-Valleyfield and the division line between the said Nos. 537 and 117-17 and No. 1 on the official plan and book of reference the city of Salaberry-de-Valleyfield, which number is the property of the Dominion Government ( <i>re</i> Beauharnois canal); running southeasterly, that is to say, following the

division line between No. 2 on the official plan and book of reference of the city of Salaberry-de-Valleyfield and No. 135 on the official plan and book of reference of the parish of Ste. Cécile to a point which is the intersection between such line and the southern line of Salaberry street; thence, continuing in a straight line following the south line of Salaberry street as far as the division line between Nos. 137 and 138 of the plan and book of reference of the parish of Ste. Cécile; thence, following the northeastern line of lot 138 on the official plan and book of reference of the parish of Ste. Cécile to its intersection with the northern line of the St. Laurent and Adirondack railway, then in a south-westerly direction in a straight line as far as the intersection of the northeastern division line of lot No. 148 and the northern division line of lot No. 258 on the official plan and book of reference of the parish of Ste. Cécile; thence, in a westerly direction following the southeast line of Nos. 147, 148, 149, 151 and 152 as far as the western line of No. 152 on the official plan and book of reference of the parish of Ste. Cécile; thence, in a northwesterly direction following the southwestern line of No. 152 to a point which is the intersection between such line and another straight line starting from a point on the northeastern line of No. 152, subdivision 16, of the official plan and book of reference of the parish of Ste. Cécile (the said point being on the extension of the southeasterly line of Salaberry street of the city of Salaberry-de-Valleyfield) and going towards the western corner of No. 529, subdivision 1, of the city of Salaberry-de-Valleyfield; thence, westerly as far as the western corner of No. 529, subdivision 1, on the official plan and book of reference of the city of Salaberry-de-Valleyfield; thence, in a southeasterly direction to the southeasterly boundary of No. 158 of the official plan and book of reference of the parish of Ste. Cécile, then southwesterly to the boundary of the said number, then, following the direction of the southwesterly line of No. 158 northwesterly to the limit of No. 159 on the official plan and book of reference of the parish of Ste. Cécile; thence, in a straight line across St. Francis bay to the intersection of the northern line of the property of the Canadian National Railway with the direction of the southern line of No. 98 of the official plan and book of reference of the parish of Ste. Cécile; thence, following the northern line of the Canadian National Railway to its intersection with the northeastern line of No. 83 of the official plan and book of reference of the parish of Ste. Cécile; thence, southeasterly following the northeastern line of said No. 83 to the end of

the said number; thence, in a straight line in a southwesterly direction to the point of junction of the front road of the first concession of Catherinestown and the road on No. 101 of the official plan and book of reference of the parish of Ste. Cécile, along the north side of Beauharnois Canal; thence, westerly, following the northern line of said No. 101 to the point of departure.

R. S., c. 102, ss. 30, 31, 32, excluded. **14.** Sections 30, 31, and 32 of the said Cities and Towns' Act are excluded from this charter.

**15.** The city shall be divided into wards, called: "Bellerive ward", "Champlain ward", "Salaberry ward", "Maisonneuve ward" and "Ste. Cécile ward".

**Bellerive ward;** *a.* Bellerive ward contains all that part of the city comprised within the following boundaries: on the south, partly by Valleyfield bay and partly by the mill pond and tail race of Montreal Cottons, Limited, being respectively branches of the St. Lawrence river; on the northeast, by No. 81 of the official plan and book of reference of the parish of Ste. Cécile; on the north, by the northern line of the land belonging to the Canadian National Railway, bearing the No. 375 on the official plan and book of reference of the parish of Ste. Cécile;

**Champlain ward;** *b.* Champlain ward comprises all that part of the city situate on the north side of the Beauharnois canal and bounded on the north by the said mill pond and tail race of Montreal Cottons, Limited;

**Salaberry ward;** *c.* Salaberry ward comprises all that part of the city situate on the south side of the said canal between the eastern line of the city, the northern line of Ste. Cécile ward and the western boundary of lots Nos. 86, 93, 92, 235, 234, 233, 232, 231b and 231c of the official plan and book of reference of the city of Salaberry-de-Valleyfield, and continuing towards the southeast on the division line between No. 148 and Nos. 149 and 150 of the official plan and book of reference of the parish of Ste. Cécile to the northern line of Ste. Cécile ward;

**Maison-neuve ward;** *d.* Maisonneuve ward comprises all that part of the city situate on the south side of the said canal between the western line of Salaberry ward, the northern line of Ste. Cécile ward and the western boundary of the city;

**Ste. Cécile ward.** *e.* Ste. Cécile ward comprises all that part of the city situate on the southeast side of the southeast line of Salaberry and Maisonneuve wards.

**Idem.** This ward shall not form a separate ward for municipal purposes until the elections of January, 1934, as provided in by-law No. 322 of the city.



**16.** The council may, by by-law and upon a vote of two-thirds of its members, alter the boundaries and limits of the wards, increase or decrease the number thereof or suppress them entirely; but an interval of at least four years must elapse between each such change or alteration, unless it be on account of the annexation of new territory to the city.

Alteration  
of bound-  
aries of  
wards.  
Restriction.

The council may also, in the same manner, and subject to the same interval as above, between any change or alteration, except in the case of annexation of new territory, fix, decrease or increase the number of aldermen to be elected for each ward and designate those who shall cease to represent the wards which may be suppressed.

Change in  
number of  
alderman.

The number of aldermen cannot, in any case, be more than twelve nor less than six for the whole city.

Proviso.

#### ANNEXATION OF TERRITORY

**17.** The following section is added, for the city, after section 45 of the said Cities and Towns' Act:

R. S., c. 102,  
s. 45a, ad-  
ded for city.

"**45a.** From and after the annexation, the proprietors of lands annexed by virtue of the preceding sections shall enjoy all the benefits, rights and privileges conferred by this act upon the inhabitants of the city, and shall be subject to the duties and obligations imposed upon them by the said act; and any annexation thus made for municipal purposes shall be considered to be, at the same time, an annexation of the same territory to the school municipality of the city, for school purposes."

Effect of an-  
nexation.

#### CITY COUNCIL

**18.** Section 47 of the said Cities and Towns' Act is replaced, for the city, by the following:

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

"**47.** The city council shall consist of the mayor, and two aldermen for each ward.

Composition  
of council.

The office of alderman for each ward of the city shall be designated by the numbers 1 and 2 respectively."

Offices de-  
signated.

**19.** Sections 48, 49, 342, 343 and 344 of the said Cities and Towns' Act are replaced, for the city, by the following:

R. S., c. 102,  
ss. 48, 49,  
342, 343,  
344, replac-  
ed for city.

"**48.** The mayor and aldermen are elected for two years. The mayor is elected by a majority of the municipal electors of the city who have voted, and the aldermen by a majority of the municipal electors of each ward who have voted."

Election of  
mayor and  
aldermen.

First  
general  
election.

**20.** The first general election of the whole council in virtue of the foregoing section shall take place in January, nineteen hundred and thirty-two, at the date fixed by this charter, and the present mayor and aldermen shall remain in office until that date, subject to the foregoing.

Corporate  
seat.

**21.** The corporate seat is at the office of the clerk, at the city hall.

Office hours.

Such office must be open and of access to the public every juridical day, from nine in the forenoon to four in the afternoon.

#### SITTINGS OF THE COUNCIL

R. S., c. 102,  
s. 345, ex-  
cluded from  
charter.

**22.** Section 345 of the said Cities and Towns' Act is excluded from this charter.

Id., s. 346,  
excluded  
from charter.

**23.** Section 346 of the said Cities and Towns' Act is excluded from this charter.

General  
sessions.

**24.** The general or ordinary sessions of the council are held on the first Wednesday of each month.

Notice un-  
necessary.

It shall not be necessary for the members to receive notice of a general meeting.

Place of  
meetings.

The meetings of the council are held in the city hall, in the city.

Change of  
place.

The council may, by resolution, determine another place of meeting, and may also, in the same manner, establish other regular sessions.

Delay for  
holding  
sessions.

**25.** No session of the council or any committee can lawfully be held, if more than one hour has elapsed from the hour fixed for the holding of the meetings to the opening of a session, unless all those who were present and whose names were recorded in the minute-book at the expiration of the hour fixed for the holding of the meeting are still present when the meeting is opened.

#### STANDING COMMITTEES

R. S., c. 102,  
s. 68, re-  
placed for  
city.

**26.** Section 68 of the said Cities and Towns' Act is replaced, for the city, by the following:

Appoint-  
ment of  
committees.

**"68.** The council may appoint standing or special committees, composed of as many of its members as it may deem fit, to which it delegates its powers respecting the examination of any question, the management of any business or particular kind of business, or the execution of certain duties.

It may also add to such committees any other person or persons, not being members of the council, or may appoint such person or persons alone for any special purpose.” Persons joined thereto.

**27.** The standing committees are formed each year at the first meeting of the month of February; the council may, however, in the year when no election is held, allow the committees to remain as formed the previous year. Standing committees.

**28.** The chairman of each committee has, as regards every meeting of the committee, the same power as the mayor. Powers of chairman.

He convenes the meetings of the committee by a written notice left at the domicile or place of business of each member, at least four hours before that fixed for the meeting. Convening of meetings.

**29.** The council may replace any member of the committees, whenever it deems expedient. Replacing of members.

**30.** The mayor is *ex officio* a member of all the committees, and he may vote therein. Mayor ex officio member.

**31.** The committees render account of their labors and of their decisions by reports signed by their chairman or by a majority of the members of such committees. Reports of committees.

No report or order from a committee has any effect, until it has been ratified or adopted by the council. When effective.

#### DIVISION IV

#### OFFICERS OF THE COUNCIL

##### *General provisions*

**32.** Sections 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102 and 103 inclusively of the said Cities and Towns' Act are excluded from this charter. R. S., c. 102, ss. 69-89, 92-103, excluded from charter.

**33.** The council may appoint the officers its deems necessary for the exercise of the powers conferred upon it, and may grant them such salaries or other remuneration as it may deem advisable. Appointment of officers.

**34.** The council may, by by-law, define the duties of its officers, which are not specified by law. Duties of same.

Permanent  
officers.

**35.** The permanent officers of the council are: a recorder, appointed and remunerated as provided by this act, a city clerk and a treasurer.

Duration of  
office.

**36.** Such officers, with the exception of the recorder, are appointed during good behavior, and cannot be removed nor their salary decreased, unless by a majority of the whole council.

City clerk.

**37.** The council shall always have an officer as keeper of its office and archives. Such officer is called the city clerk.

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

**38.** Section 104 of the said Cities and Towns' Act is replaced, for the city, by the following:

Appoint-  
ment of  
auditors.

**"104.** The council shall, at the first sitting thereof after the general elections or as soon as possible, appoint one or two auditors, who shall perform the duties of their office until the entry into office of their successors."

R. S., c. 102,  
s. 107, re-  
placed for  
city.

**39.** Section 107 of the said Cities and Towns' Act is replaced, for the city, by the following:

Valuators.

**"107.** The valuator remain in office until their successors are appointed.

Remunera-  
tion.

The council, from time to time, determines the remuneration of the valuator and designates which one is to act as chairman of the board, if it thinks proper.

Division of  
work.

The council determines the manner in which the valuator are to divide the work."

Oath of  
office.

**40.** After his appointment and before entering into office, every municipal officer must make oath to well and faithfully perform the duties of his office.

Security  
from  
officers.

The council may exact, from any persons appointed by it, such security as it may deem sufficient for the thorough and faithful performance of the duties devolving upon them.

#### CLERK

Clerk, cus-  
todian of  
books, etc.

**41.** The clerk has the custody of all the books, registers, plans, maps, archives and other documents and papers which are either the property of the council or are produced, filed and preserved in the office of the municipality.

Custody.

He shall not divest himself of the custody of any of such things, except with the permission of the council or upon an order of a competent court.

**42.** The clerk must attend all sessions of the council Attendance and draw up minutes of all the acts and proceedings thereof. at sessions.

All minutes of the sittings of the council are signed by the chairman and countersigned by the clerk. Signing of minutes.

**43.** Copies and extracts certified by the clerk from all books, registers, archives, documents and papers preserved in the office of the municipality are evidence of their contents. Copies, etc., as evidence of contents.

**44.** The registers and documents in the possession of the clerk, and forming part of the archives of the council, are open during office hours to the inspection and examination of the ratepayers of the municipality and their attorneys. Registers, etc., open for inspection.

**45.** The assistant clerk, if one be appointed by the council, may perform all the duties of the office of clerk, with the same rights, powers and privileges and under the same obligations and penalties. Assistant clerk.

In the case of a vacancy in the office of clerk, the assistant clerk shall continue to perform the duties of the office until the vacancy is filled. Id., as clerk.

**46.** The clerk is bound to deliver to any person applying for the same, on payment of the fees fixed by the council, copies of or extracts from any book, roll, register, document, or other paper which forms part of the archives. Copies, etc., of books, etc.

**47.** The clerk's office is established in the place where the sessions of the council are held, or in any other place fixed, from time to time, by resolution of the council. Clerk's office.

#### TREASURER

**48.** The council shall always have an officer who shall be the collector and depositary of all the moneys of the municipality. Depositary of moneys.

Such officer is called the city treasurer.

City treasurer.

**49.** The treasurer shall deposit, in the name of the city, in any corporate bank, the moneys arising from municipal taxes or dues, or belonging to the municipality, and allow them to remain there until they are employed for the purposes for which they were levied, or until disposed of by the council. Disposal of funds.

Penalty for: **50.** Under penalty of a fine of twenty dollars for each infraction, no treasurer shall:

Irregular discharges.

*a.* Grant discharges to ratepayers or other persons indebted to the city for municipal taxes or other debts, without having actually received the amount, in cash or in lawful value, or by cheque accepted by a bank;

Lending city's money.

*b.* Lend to any person, directly or indirectly, by himself or by others, moneys belonging to the city.

Treasurer's office.

**51.** The office of the treasurer shall be established at the place where the sittings of the council are held or at any other place fixed, from time to time, by resolution of the council.

Books of accounts.

**52.** The treasurer keeps books of account in good and proper form, in which he enters by order of date, every item of receipts and expenditure, mentioning the persons who have paid moneys into his hands or to whom he has made any payment.

Vouchers.

He keeps all the vouchers for expenditure in his office.

Books, etc., open for inspection.

**53.** The treasurer's books of account and vouchers for his expenditure are open during office hours for inspection and examination to the ratepayers of the municipality or their attorneys.

Copies, etc., from books, etc.

**54.** The treasurer is bound to deliver to any person applying for the same, on payment of the fees fixed by the council, copies of or extracts from any book, roll, register, document or other paper in his custody.

Copies, etc., as evidence of contents.

**55.** Copies of, and extracts from the books, registers, archives, documents and papers in the custody of and certified by the treasurer are evidence of their contents.

Account to council.

**56.** Once a year, at the time fixed by the council and oftener if required, the treasurer is bound to render a detailed account of his receipts and expenditure.

Prescription of suits.

**57.** All actions, claims or demands against the treasurer, resulting from his administration, are prescribed in five years from the date of the last account rendered by him.

## DIVISION V

## PERSONS QUALIFIED OR DISQUALIFIED FOR MUNICIPAL OFFICE

**58.** Upon a written demand made by a member of the council or a ratepayer, before the council, upon the mayor or any alderman present, such mayor or alderman must, within the eight days following, give, in writing and under oath, and deposit in the office of the council, a declaration of qualification containing the description of the real estate in virtue of which he is qualified to sit.

**59.** The immoveables upon which an alderman bases his eligibility must be situate within the ward for which he desires to be elected, and this eligibility must be enjoyed in the ward during all the time which he fills the office.

## DIVISION VI

*Municipal electors*

## PERSONS QUALIFIED TO BE ELECTORS

**60.** Section 128 of the said Cities and Towns' Act is replaced, for the city, by the following:

**"128.** Whoever fulfils the following conditions is a municipal elector of the city, and, as such, has the right to vote at municipal elections:

1. Has attained the age of majority and is a British subject;

2. Is in possession in the city, in his own name or in that of his wife, as shown upon the valuation roll, either as proprietor of real estate of the value of at least one hundred dollars; or as tenant farmer or lessee, or as occupant by any title whatsoever, of real estate of the annual value of at least eighteen dollars;

3. Has paid taxes to the amount of four dollars and is a resident of the city;

4. Has paid all municipal dues and school taxes, both in his own name and in that of his wife, on or before the fifteenth of November preceding an election of the exercise of his vote as such elector; and

5. Is inscribed on the list of electors.

The failure to pay his taxes and reside in the city shall not, however, deprive a proprietor of his rights as a municipal elector."

Incorporated companies.

**61.** If the real estate be owned, leased or occupied by an incorporated company, no one of the members of such company is an elector, nor entered upon the list of electors by reason of such real estate, and neither such company nor any of its members as such may vote for any of the purposes of this act.

Permanent officers, etc.

**62.** The permanent officers and employees of the corporation, and constables and policemen appointed and paid by the council may be entered on the list of electors, but they must not vote at the municipal elections if they are still then employed by the corporation.

Secretary-treasurers and list to treasurer.

**63.** The secretary-treasurers of schools in the limits of the city are bound to furnish gratuitously the treasurer of the council, within the first five days after the fifteenth of December of each year, with a certified list of those who have paid their school taxes at this latter date, under a penalty of a fine of fifty dollars.

R. S., c. 102, s. 133, excluded from charter.

**64.** Section 133 of the said Cities and Towns' Act is excluded from this charter.

Id., s. 134, excluded from charter.

**65.** Section 134 of the said Cities and Towns' Act is excluded from this charter.

Id., s. 135, replaced for city.

**66.** Section 135 of the said Cities and Towns' Act is replaced, for the city, by the following:

Making of list of electors by clerk.

**"135.** Between the fifteenth and the thirtieth days of November, in the year preceding the municipal election, the clerk is bound to make, for each ward of the city, an alphabetical list of the names of the persons who, according to the books of the corporation and the lists supplied by the secretary-treasurers of schools in the limits of the city, and according to the valuation roll of the city then in force, appear to be electors under the terms of this act."

R. S., c. 102, s. 173, replaced for city.

**67.** Section 173 of the said Cities and Towns' Act is replaced, for the city, by the following:

Change of election date.

**"173.** The Lieutenant-Governor in Council may, by letters patent, at the request of the council of the city, change the date for the elections.

Proceedings, etc., therefor.

The proceedings and notices for such application shall, as far as possible, be the same as those required for obtaining letters patent under the Cities and Towns' Act.



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 thereof.

**68.** The general elections are held every second year, General election.  
in the month of January.

**69.** Section 175 of the said Cities and Towns’ Act is R. S., c. 102, s. 175, re-  
replaced, for the city, by the following: placed for city.

“**175.** Ten days before the nomination of candidates, in the year in which a general election is to be held, the returning-officer, by a commission under his hand, 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.

**70.** The nomination of candidates takes place on the third Monday in January from noon until two o’clock in the afternoon. Nomination of candidates.

**71.** When a poll is necessary it is held on the fourth Monday in January. Polling-day.

**72.** Section 179 of the said Cities and Towns’ Act is R. S., c. 102, s. 179, re-  
replaced, for the city, by the following: placed for city.

“**179.** Eight days at least before the nomination of candidates in the year in which a general election is to be held, the returning-officer shall give public notice, 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.”

**73.** The nomination-paper shall contain the names, Nomina-  
surname, occupation and residence of each candidate. tion-paper.

If for the office of mayor, it shall be signed by at least twenty electors of the city qualified to vote at such election, and, if for the office of alderman, by at least ten electors qualified to vote in the ward for which the election is to take place. Signatures.

**74.** Section 181 of the said Cities and Towns’ Act is R. S., c. 102, s. 181, ex-  
excluded from this charter. cluded from charter.

R. S., c. 102,  
s. 182, re-  
placed for  
city.

Who may  
nominate  
candidates  
and form of  
nomination-  
paper.

Mark in  
certain case.

Fyling of  
nomination-  
papers.

Lists of can-  
didates.

Nullity of  
certain  
votes.

Closing of  
certain es-  
tablish-  
ments on  
voting day.

R. S., c. 102,  
s. 222, am.  
for city.

Question.

**75.** Section 182 of the said Cities and Towns' Act is replaced, for the city, by the following:

**"182.** 1. Twenty electors, qualified to vote and whose names are entered on the electoral list in force in the city, may nominate a candidate for the office of mayor, and ten electors, qualified to vote and whose names are entered on the electoral list in force in the city for the ward in which the election is held, may nominate a candidate for the office of alderman for such ward, by signing a nomination-paper, in the form 8, if the mayor be in question, and in the form 9, if an alderman be in question, of the Cities and Towns' Act, stating therein the names, and surname, residence and profession or occupation of the person nominated, in such manner as sufficiently to identify such candidate, and by delivering the said nomination-paper to the returning-officer on the day and at the hour and place indicated in the notice published in accordance with section 81, or causing the same to be delivered to the returning-officer as hereinafter mentioned.

2. The mark affixed upon the nomination-paper by any elector unable to write shall be deemed to be the signature of such elector, within the meaning of this act.

3. Such nomination-papers may also be fyled with the returning-officer at any other place, and at any time between the date of the notice published in conformity with section 81 and the day of nomination, with the same effect as if produced at the time and place fixed for the nomination.

At the close of the time for nominating the candidates, the returning-officer shall deliver, to every candidate, or agent of a candidate, applying therefor, a duly certified list of the names of the several candidates who have been nominated; and any votes given at the election for any other candidates than those so nominated shall be null and void."

**76.** Every restaurant, hotel, tavern, licensed store or shop, for the sale of spirituous or fermented liquors in the city, shall be closed on the day of voting until the following day, under a penalty of a fine of one hundred dollars and three months imprisonment in default of payment against any one who shall keep any of the said establishments open.

**77.** Section 222 of the said Cities and Towns' Act is amended, for the city, by adding to the form therein contained the following:

"11. Have you paid your municipal taxes and dues. (This question shall not apply to proprietors.)"

## DIVISION VII

## POWERS OF THE COUNCIL

*General provisions*

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

**"28.** The council has jurisdiction throughout the limits of the city; and such jurisdiction extends, in all matters of the city, by the following: Jurisdiction of council. concerning decency and good morals as well as public peace and good order, up to fifteen arpents beyond the limits of the city, except in special cases where more ample authority may be conferred upon it by this act."

**79.** It is not necessary that the by-laws be registered at full length in the minute book of the council; it is sufficient to designate them summarily in the motion made to adopt them. By-laws may be designated summarily.

**80.** By-laws are translated into the English language, if so required by the council. Translation of by-laws.

**81.** In certain cases of urgency, the council may order that certain by-laws shall come into force immediately after publication, or within a delay of less than fifteen days; but such by-laws must contain a provision to that effect. Coming into force of by-laws in certain case.

**82.** No one is allowed to vote on such by-law unless his name is entered on the valuation roll in force as a proprietor. Who may vote.

The fact of a proprietor owing municipal or school taxes then due shall not deprive him of his right to vote. Non-payment of taxes.

*Public Highways*

**83.** The council may in addition make by-laws for, amongst others, the following objects: Additional by-laws for:

Lay out, open up and keep in order the ice-roads crossing the St. Lawrence river to the north shore. Ice-roads.

Regulate the traffic over all such roads in front of the city, starting or ending thereat, throughout the whole length of such roads. Traffic thereon.

Compel the municipalities to or through which such roads lead or pass to pay their share, on an award of arbitrators, of the total cost of the same during each winter. Payment by municipalities therefor.

The amount thereof may be recovered before the Magistrate's Court. Recovery of amount.

Closing of  
streets, etc.

**84.** The council may, by by-law, close any street or fixed part of a street or public square, and sell the land for the benefit of the city.

Demolished  
houses.

**85.** The council may, by resolution, prevent the rebuilding, in the same place, of a demolished house which projects upon the line of a street or portion of a street or public square, and may acquire or expropriate the land.

Public  
roads.

**86.** The public roads now within the limits of the city shall, in future, be considered as public streets for the purposes of this act.

Streets  
opened by  
private  
parties.

**87.** No proprietor who has opened or who opens a street, part of a street, lane, public road or passage through his property, shall close the same without the consent of the council; and such street, part of a street, lane, public road or passage shall become the property of the city without indemnity therefor from the council.

### *Sidewalks*

Certain oc-  
cupants  
bound to  
make, etc.,  
sidewalks.

**88.** Occupants of land belonging to the Federal or Provincial Government and other corporations, institutions or *fabriques*, whose property is not liable to or is exempt from taxation, are bound to make and keep the sidewalks in order in front of the properties they occupy, and to pay all taxes or assessments imposed for such work, as being personal taxes for such occupants, authorized by this special provision, when the sidewalks are at the charge of proprietors.

### *Cutting of Ice*

Cutting of  
ice.

**89.** The council may prohibit or regulate the cutting of ice opposite the city, on the St. Lawrence river or Valleyfield bay, and permit it on certain conditions and under certain restrictions and determine at what place ice may be taken.

### *Waterworks*

R. S., c. 102,  
s. 454a,  
added for  
city.

Levying of  
water-rate.

**90.** The following section is added, for the city, after section 454 of the said Cities and Towns' Act:

**"454a.** The council may also, by by-law, levy the water-rate and cause the same to be paid by the proprietors of immoveables only.

In such case, the said proprietors are, as regards leases <sup>Subroga-</sup> then in force on the adoption of a by-law, subrogated in the <sup>tion.</sup> rights of the city, and may recover from their lessees the amount of the water-rate paid by them to the city."

### *Sewers*

**91.** The city council may, of its own accord or upon <sup>Repair, etc.,</sup> the application of the ratepayers interested, order the <sup>of sewers.</sup> repairing of existing sewers or the construction of sewers in the streets or any part of the streets in the city.

**92.** When the diameter of the sewer does not exceed <sup>Payment of</sup> two feet, the expense caused by such repairs and construc- <sup>cost.</sup> tion is paid one-third by the city and the remaining two thirds by the proprietors whose properties are situated on the street in which the sewer is.

**93.** If such diameter exceeds two feet, the excess of <sup>Excess ex-</sup> the expenditure is paid by the city. <sup>penditure.</sup>

**94.** Every sewer or drain is made or repaired, by <sup>Repairs, etc.,</sup> contract or otherwise, under the direction of the city en- <sup>how made.</sup> gineer.

**95.** In any case, the treasurer keeps an account of <sup>Keeping of</sup> the amounts paid for such construction or repairs, and, <sup>accounts,</sup> when the work is completed, he makes out the assessment <sup>etc.</sup> or apportionment of the cost of such repairs or construction.

**96.** He bases such assessment on the number of feet <sup>How assess-</sup> of frontage of the lots assessed or taxed without regard to <sup>ment based.</sup> their depth, and, for that purpose, the city engineer, or, in his default, the road inspector, shall report the measurement of each lot or land liable to the apportionment.

Lots situated on the corners of streets are taxable on <sup>Corner lots.</sup> both streets, but only for one half of the number of feet of the frontage of such lots on such streets.

When a sewer runs along lands under cultivation, and <sup>Special ar-</sup> the cost of the sewer to be charged to the owners of such <sup>rangements</sup> land under cultivation amounts to more than three hun- <sup>in certain</sup> dred dollars, the council may, on being secured by first <sup>case.</sup> mortgage on the said lands, make special arrangements for the payment of the cost of such portion of the sewer.

**Connections with drains.** The city may also, when proprietors, who have not contributed to the construction of sewers, wish to make connections with such sewers, charge them, before allowing such connections to be made, the amount of their share of an ordinary sewer based on the assessment levied for such sewer.

**Notice of assessments.** **97.** After having completed the assessment or apportionment, the treasurer shall hand it to the clerk, who shall give notice to each ratepayer interested, setting forth the total cost of the sewer or drain, its diameter and length, and the amount payable by such ratepayer, and specifying the day and hour when the assessment or apportionment shall be submitted to the council for homologation.

**Homologation of assessment.** **98.** On the day specified, the council hears the parties interested and homologates the assessment or apportionment, with or without amendments.

**When assessment due.** **99.** Fifteen days after the homologation of the assessment, the amount charged to each proprietor is due and payable, and the treasurer shall collect the same.

**Distress in default of payment.** **100.** In default of payment, the treasurer may levy such assessment by a warrant of distress signed by the mayor or by a justice of the peace and addressed to a bailiff or constable.

**How executed.** Such warrant is executed upon moveables in the same manner as a warrant for taxes or for a license, and with the same privileges.

**Debts privileged.** **101.** The debts due for assessment for sewers are privileged like the debts due for the taxes imposed on immoveables; and every immoveable so assessed may be seized and sold in the manner, on the conditions, and with the penalties and within the delays, prescribed for the sale of immoveables liable for taxes.

**Construction of main sewer.** **102.** The council may also, when it deems it advisable, order the construction of a main sewer or contribute towards the cost thereof.

**Powers of council.** **103.** The council is, in this respect, vested with all necessary powers; it may conduct such sewer outside of the limits of the city and expropriate any land required for the purpose, even when such land is outside the limits of the city.

**104.** For that purpose, the council is authorized to con- Loan.  
tract a loan, the interest and sinking-fund whereof shall be  
paid out of the revenues of the corporation, and, in case  
they are insufficient, by means of a special tax.

**105.** The council may charge a portion of the cost of Payment of  
such sewer to the proprietors who benefit thereby in a spe- portion of  
cial manner and for whom the sewer serves as an ordinary cost.  
drain.

**106.** In such case, the portion charged to such proprie- Apportion-  
tors is apportioned in the manner hereinabove prescribed, ment.  
and the assessment is accompanied and followed by the  
formalities for ordinary sewers or drains, and is payable in  
the same manner.

**107.** The assessments for sewers or drains may also be Recovery of  
recovered by suit brought before the Magistrate's Court amount by  
or the Recorder's Court. suit.

**108.** Such assessments are a privileged claim on move- Privileged  
ables and on immoveables. claim.

They are prescribed by five years.

Prescrip-  
tion.

### *Valuation Rolls*

**109.** The council may order the valuers to make a Separate  
separate and distinct valuation of the lands and of the valuation.  
buildings thereon erected.

**110.** Section 499 of the said Cities and Towns' Act is R. S., c. 102,  
replaced, for the city, by the following: s. 499, re-  
placed for  
city.

**"499. 1.** The council may, at any time, after the Supplemen-  
homologation of the roll, cause all taxable property omitted tary roll in  
from the roll, as well as all taxable property added after- certain case.  
wards, to be assessed entirely or proportionately, so as to  
be entered on a supplementary roll, which shall be opened  
by the secretary-treasurer.

2. If any omission has been made in the roll, or if any Property  
new building, tending to increase the value of real property entered  
in the city, shall have been erected subsequent to the thereon.  
homologation of the roll, or if lots have been detached from  
farms or lands under cultivation and sold as city lots,  
after the homologation of the roll, the council may order  
the valuers to value any property so omitted or increased  
in value as aforesaid for the purpose of adding it to the sup-  
plementary roll.

Homologation.

3. The supplementary roll is received and homologated by the council, at one of its sessions, after the parties interested have been notified, by a special notice of eight days, of the day and hour of the meeting and its object."

Valuators fined for neglect.

**111.** Whenever the valuator neglect to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll to the treasurer, within the time specified during which such roll must be completed under this act, every such valuator shall incur a penalty of two dollars for each day which shall elapse between the expiration of the said specified time to make the deposit of the roll and the day upon which such valuation shall be so delivered.

*Loans, sundry by-laws and resolutions required to be submitted to the elector-proprietors*

R. S., c. 102, s. 574, replaced for city.

**112.** Section 574 of the said Cities and Towns' Act is replaced, for the city, by the following:

Authorization of loans by by-law.

"**574.** Saving the cases provided for by paragraph 6 of section 26 of this act, as replaced for the city, every loan shall be previously authorized by a by-law of the council, approved by the electors who are proprietors of taxable immoveables and by the Lieutenant-Governor in Council, in the manner and according to the formalities hereinafter prescribed."

Approval of loan by-laws.

**113.** Every by-law, resolution or contract to impose an obligation or to affect the taxable real estate of the city, requiring the imposition and payment of a tax, beyond the then current year, must, before having force and effect, be approved by the electors who are proprietors in the city.

Contracts for lighting.

The council may, by resolution, however, without being obliged to observe the formalities above mentioned in this section, make contracts for the lighting of the city; provided that the prices agreed upon for such lighting shall not be more for future years than for the first year of such contracts.

#### *Taxes and permits or licenses*

R. S., c. 102, s. 519, replaced for city.  
Prescription of taxes.

**114.** Section 519 of the said Cities and Towns' Act is replaced, for the city, by the following:

"**519.** Arrears of municipal taxes and dues are prescribed by five years."



*Non-taxable property*

**115.** Section 520 of the said Cities and Towns' Act is replaced, for the city, by the following;

R. S., c. 102,  
s. 520, re-  
placed for  
city.

**"520.** The following property is exempt from taxation:

Property  
exempt from  
taxation.

1. All lands and property belonging to His Majesty, his heirs and successors, or held by any public body, or person in trust for the service of His Majesty, his heirs and successors;

2. All federal and provincial property and buildings;

3. Every place of public worship, bishop's palace, presbytery (parsonage or manse) and its dependencies, and every burying-ground;

4. Every public school-house and the ground on which the same is constructed;

5. Every educational establishment subsidized by the state or by the city, and the ground on which the same is constructed, and all libraries gratuitously opened to the public;

6. All buildings, ground and property occupied or possessed by hospitals or other charitable or educational establishments; but properties in the possession of such religious, charitable, or educational establishments, for purposes of revenue, shall not be exempt from taxation;

7. Every court house or gaol, and the grounds attached thereto.

The said exemption shall not, however, extend to lots, or to buildings built upon lots, in the city, leased or occupied by tenants under the Government, and such lands belonging to the Government, occupied by tenants, shall be valued and assessed in like manner as other real property, and such rates or assessments shall be paid by the tenants or occupants thereof, as expressly assessed upon them personally, and the occupants who pay no rent shall be subject to the tax imposed on tenants and occupants.

Exception.

The proprietors and occupants of the property mentioned in paragraphs 3, 4, 5, 6 and 7 shall, nevertheless, be bound for the works of making and maintaining roads, streets, water-courses, ditches, drains, sidewalks, water supply and lighting, according to the by-laws, and shall be liable for all special taxes for such purposes and for the compensation for the use of water and for the purchase and maintenance of fire fighting apparatus."

*General or special taxes*

Imposition  
of taxes.

**116.** In order to raise the necessary funds to meet the expenses of the council and to effect all necessary and beneficial public improvements, and to enable it to meet its obligations, the council may levy annually on the persons and on the moveable and immoveable property in the city, all general or special taxes, contributions, licenses and other imposts, as herein provided.

R. S., c. 102,  
s. 526, re-  
placed for  
city.

Taxes on  
trades, etc.

**117.** Section 526 of the said Cities and Towns' Act is replaced, for the city, by the following:

**"526.** In addition to the taxes provided for in section 523, the council may establish, impose and levy certain annual dues or taxes on all trades, manufactures, financial or commercial establishments, clubs, hotels, occupations, arts, professions, callings, theatres, circuses or means of earning a profit or a livelihood, carried on or followed by one or more persons, firms or corporations in the municipality, provided that such duties or taxes do not exceed two hundred dollars per annum. Nevertheless, such dues or taxes may be increased to three hundred dollars in the case of persons not having resided, or in the case of firms or corporations not having been established, in the municipality, for twelve months.

Carrying  
on a trade.

Every person, company or organization whatsoever shall be deemed to carry on a trade within the meaning of this act, in each of the following cases:

- a. By keeping a store in the city;
- b. By taking orders, within the city, from consumers for the sale of merchandise on samples or catalogues or otherwise;
- c. By keeping a place within the city for selling on samples, catalogues or otherwise, to consumers;
- d. By coming into the city in the course of his or its business to deliver merchandise sold outside of the city or within the city, to consumers.

Imposition  
of maximum  
tax.

In the cases mentioned in the foregoing paragraphs *b*, *c* and *d*, the maximum tax may be imposed. Such maximum may also be imposed in the case of a branch or other shop, in the city, whereof the principal place of business is not in the city.

Tax from  
manager,  
etc., in  
certain case.

If the proprietor of a shop or the person carrying on the trade is unknown or resides or has his principal place of business outside the Province, the tax may equally be claimed from the manager or representative of such proprietor."

**118.** The following section is added, for the city, after R. S., c. 102, section 526 of the said Cities and Towns' Act:

**"526a.** The council may, by by-law, impose and levy, in addition to all other taxes, all or any of the following taxes:

a. A tax (to be called a business tax) on all trades, manufactures, occupations, business, arts, professions or means of profit or livelihood, which now are or may hereafter be carried on, exercised, or in operation by any person or company in the city; provided that such business tax does not exceed seven and a half per cent on the annual value of the premises in which such trades, manufactures, occupations, business, arts, professions or means of profit or livelihood are respectively carried on; but this paragraph shall not apply to judicial sales.

b. A special tax, not to exceed two hundred dollars, on any peddler or itinerant merchant and on all persons who shall come temporarily into the city to dispose of any bankrupt or other stock of goods, wares or merchandise, either by auction or at private sale, such tax to be payable forthwith by such person or persons on demand, and, if not paid when demanded, the same may be at once collected by action, accompanied by a seizure, before the Recorder's Court, the whole without prejudice to the right to impose, in addition, the taxes provided for the line of business in which they are engaged.

### *General provisions*

**119.** All municipal dues and the interest thereon shall constitute a privileged debt exempt from the formality of registration; and, in the case of distribution of moneys by authority of justice, according to law, or by voluntary liquidation, such dues shall be collocated in preference to all other claims, both on the proceeds of the sale of moveables and of that of immoveables, next after the Crown.

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

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

Taxes levied  
by by-law.

Taxes which are levied by by-law are imposed permanently to be collected annually by the treasurer of the city as other taxes, at the time fixed by the by-law, without further municipal ordinance, until repealed or amended by by-law in the ordinary manner.

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

Taxes may  
be in form  
of a license.

**122.** Section 527 of the said Cities and Towns' Act is replaced, for the city, by the following:

"**527.** The taxes enumerated in this act may, insofar as possible, but in the discretion of the council, be imposed and levied under the form of a license signed by the treasurer, and are then payable annually at the time and under the conditions and restrictions fixed by the council; and, in such case, it is not necessary that the persons liable for the payment of such taxes be mentioned in the valuation or collection rolls."

Roll of  
moveables,  
etc.

**123.** The council may direct the valuator to prepare a roll of the moveable property and of the persons mentioned in sections 117 and 118 of this act.

Tax to be  
paid in full.

**124.** Every person who, during the fiscal year, carries on or practises any kind of business or occupation, which renders him liable to the tax, is bound to pay the whole of such tax, whatever be the time of the year at which it becomes due, unless the council remit any portion of such tax to him on account of the short time to elapse before the end of the current year.

Exception.

The council, however, cannot remit such tax, except when the same would become due only during the last three months of the fiscal year.

Rights con-  
ferred by  
license.

**125.** Every license is signed by the treasurer and gives the holder the right to practise or carry on his art, trade, profession, business or industry until the expiration of the time therein specified.

License not  
transferable.

**126.** No license granted shall be transferable by the owner thereof, except with the consent of the council.

Exhibition  
of license.

**127.** Every person who holds a license shall, at any time that he may be required so to do by a municipal officer, exhibit his license, which must be kept conspicuously exposed to the public in the principal place of business in the establishment of such person, unless such license be granted to a person who has no known place of business in the city.

**128.** Persons, whose names have been added to the <sup>Additions to</sup> valuation roll after the collection roll has been prepared, <sup>valuation</sup> must pay the annual tax, in the same manner as if their <sup>roll.</sup> names had been entered when making the valuation roll.

**129.** The council may, by by-law:

*a.* Levy, by special assessment, upon all moveable or im- <sup>Special</sup> moveable property, or upon both, belonging to persons who, <sup>taxes:</sup> in the opinion of the council, are interested in a public <sup>For public</sup> work under the control of the council, and who benefit by <sup>works.</sup> such work, all sums of money necessary for the payment of the construction or maintenance of such work;

*b.* Levy moneys, by special assessment, for any object <sup>For works</sup> whatsoever, within the limits of the powers of the council, <sup>done on</sup> upon all property, or only upon the immoveables <sup>petition.</sup> comprised within the limits of the city, upon a petition of the ratepayers who will have to pay such tax, to the amount and upon the conditions set forth in the petition. In such case, those who are exempt from taxation under the provisions of this act, shall be liable to the assessment imposed under this paragraph *b.*

Every tax or assessment imposed in virtue of the provi- <sup>How paid.</sup> sions of the present section shall be payable in the manner and at the periods fixed by such by-laws, over and above all other annual taxes which may be imposed under this act.

**130.** Every person who carries on business, or exer- <sup>Penalty for</sup> cises any industry, profession, art or trade in the city as <sup>trading, etc.,</sup> above set forth, without having first obtained, from the <sup>without</sup> council, a license or permit to that effect, or without having <sup>license.</sup> paid the annual tax imposed by the council, on account of such business industry, profession, art or trade, is liable to a penalty.

**131.** Whenever any proceedings are taken for the re- <sup>Lumping of</sup> covery of a tax or due of any kind, all which is then due <sup>debts, etc.</sup> by the debtor may be included in the same claim, together with the costs of publication and other costs.

### *Sale of immoveables for taxes*

**132.** The council may, likewise and at the same time, <sup>Sale of lands</sup> upon a certificate from the secretary-treasurer of the Roman <sup>for arrears</sup> Catholic school commissioners or dissentient school trustees <sup>of school</sup> of the city, setting forth that the school taxes imposed <sup>taxes.</sup> upon one or more immoveable properties of the city have

not been paid within the six months after the notice of the deposit of the collection roll of the said school commissioners or school trustees was given, authorize its treasurer to sell or have sold by public auction, at the ordinary place of meeting of the council, in the manner hereinafter prescribed, but at the cost, risk and perils of the said school commissioners or school trustees, any immoveable property designated by resolution of the said school commissioners or school trustees as so intebted for school taxes.

Totalling of  
municipal  
dues.

**133.** In the case of the sale of immoveables for taxes or other municipal dues to which such immoveables may be subject in virtue of this act, the council may add to the amount of such taxes all other municipal dues whatsoever due by the proprietor of said immoveables, with the same privilege, when the public sale of such immoveables takes place.

#### *Fines and penalties*

Penalty for  
contraven-  
tion of this  
act.

**134.** Every recorder, justice of the peace, member or officer of the council, or any other person who refuses or neglects to do a thing or to fulfil a duty required from him, or which is imposed upon him by this act or by any by-law of the council, or who contravenes in any way any of the provisions of this act or of any of the by-laws of the council, is liable for each offence, except in cases where penalties are especially prescribed, either to a fine with or without costs, or to an imprisonment with or without hard labor; and, if the fine is imposed with or without costs, imprisonment may be ordered, in default of the immediate payment of the said fine and costs.

Extent  
thereof.

Such punishments are inflicted in the discretion of the court, but the fine must not be less than one dollar nor more than one hundred dollars, with or without costs, and the imprisonment must not be less than one day nor more than three months, with or without hard labor.

Penalty for  
infringe-  
ment of  
by-laws.

**135.** The council may, in order to assure the execution of the by-laws, enact the imposition of punishment by fine with or without costs, or imprisonment with or without hard labor, and itself determine, in the by-laws, in an absolute or discretionary manner, the amount of the fine and the period of imprisonment; and, if the fine is imposed with or without costs, it may order imprisonment in default of the immediate payment of the said fine and costs.

Discretion  
of court.

If the by-law does not impose the penalty in an absolute manner, such punishments are inflicted in the dis-

cretion of the court; but the fine cannot in any case be less than one dollar nor more than one hundred dollars, with or without costs, and the imprisonment less than one day nor more than three months, with or without hard labor.

**136.** If the infringement of this act or of any by-law continues, it constitutes, day by day, a separate offence, and the penalty decreed for such infringement may be inflicted for each day such infringement lasts. Continuous infringements.

### *Expropriations*

**137.** Section 598 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 598, replaced for city.

**"598.** The council may acquire, by gratuitous or onerous title, or expropriate the land required for the works ordered by it, within the limits of its powers, especially for the opening, widening or straightening of streets or specified portions of streets, public squares, parks, drains, sewers, the construction of buildings for the use of the city, for all purposes connected with supplying the city with water, for all water-works and dependencies and accessories, and for all purposes connected with the lighting of the city."

**138.** In all cases where a lot of land required for municipal purposes forms part of Government property occupied by tenants, the indemnity to be paid to such tenants shall be determined and fixed by arbitrators, unless it be settled by mutual agreement. Indemnity to tenants of Govt. property.

### *Municipal Finance and Budget*

**139.** Section 484 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 484, replaced for city.

**"484.** The fiscal year in the city, for all taxes, licenses, assessments, imposts or annual dues, shall commence on the first day of January and terminate on the last day of December in each year, whatever may be the date or time of the year at which such taxes, licenses, assessments, imposts or dues have been imposed or have become due, and the yearly municipal taxes, assessments and dues shall be due on the dates which the council may determine."

**140.** As soon as possible after the permanent committees of the council are reconstituted, each committee Statement of expenses.

shall prepare a statement of the expenses to be provided for, and the finance committee shall further submit a statement of the probable revenue for the year.

**Appropriations.**

The council must, immediately after the different committees have prepared their reports, make an appropriation of the amount which it may deem advisable to sanction for the expenses of the current year, by providing:

1. For the payment of the interest on the debt due by the city, and for a sinking-fund of at least one per cent;
2. For the general and ordinary expenses of the city, including contingencies;
3. For the cost of contemplated public improvements;
4. For a reserve of not less than five per cent on the gross revenue of the preceding year, to be used exclusively to meet unforeseen wants.

**Current expenses.**

From the first of January up to the time of making the appropriations by the council, the treasurer is authorized to take from the general funds the moneys necessary to pay the current expenses of the municipal administration.

**Limitation of appropriations.**

**141.** The amounts so appropriated shall never exceed that of the receipts of the previous year added to the balance of such receipts remaining unexpended.

**Receipts.**

The receipts shall comprise only the sums collected on the assessments of the previous year, without including arrears.

**Supplementary estimates.**

The council may always, if there be moneys available, after having employed the sums shown in its estimates, dispose of the same by means of supplementary estimates.

**Modification of appropriations.**

**142.** The council may modify the use of sums appropriated for any committee, and use them for any other purpose within the powers of such committee.

**Submission to finance committee.**

Every by-law, resolution, motion or notice of motion respecting any expenditure shall, before being finally adopted, be submitted to the finance committee, which shall report thereon at the next ensuing session of the council, whether it be a regular, special or adjourned session.

**Failing report by finance committee.**

**143.** If the finance committee refuses or neglects to make a report as aforesaid, the council may proceed without it.

**Personal responsibility in certain case.**

**144.** Every member of the council who joins in sanctioning the expenditure of any sum of money beyond the



amounts so appropriated and the amounts at the disposal of the council or of any committee, in conformity with the preceding sections, shall be personally responsible therefor.

**145.** The treasurer is forbidden to pay any money out of the reserve fund, before such expense has been approved of by the finance committee and confirmed by the council. He is also forbidden to dispose of any surplus over the amount of any appropriation, without a special authorization from the council. No payments before approval.

**146.** The finance committee shall consist of all the members of the council. Finance committee.

The clerk shall keep a register of the proceedings of the committee, under the signature of the chairman of the committee and of the clerk or of one of them. Keeping of register.

**147.** In cases of urgent necessity, the council may, by by-law, make any appropriation it may think necessary beyond the amounts at its disposal; provided that by such by-law an additional assessment shall be imposed, payable at a fixed period during the course of the year in which such by-law is passed, sufficient to cover the amount so appropriated. The said assessment shall be imposed, recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act, subject, always, to the limit of the total rate, determined by this act. Appropriation by by-law in certain case.

### *Recovery of Penalties*

**148.** Any person arrested or summoned to appear, and who may be sentenced to a fine or penalty imposed under this act or the by-laws made by the council, may settle his case before his appearance. Settlement of case before appearance.

The mayor of the city, the chairman of the police committee and the city treasurer are each authorized to accept payment of any such fine or penalty, and to determine the amount thereof, as he may think proper or expedient, as well as the costs incurred, without the appearance of the offender or without awaiting the decision of the court, or even without any prosecution having been commenced. Payment of fine, etc., in such case.

**149.** The court may also grant, for the payment of the fine and costs, a delay which is not to exceed fifteen days after judgment is rendered. Delay for payment.

**In default of payment.** In default of the payment of the fine and costs within the delay allowed, such person may be imprisoned for the period mentioned in the judgment of the court.

**When imprisonment ceases.** **150.** Imprisonment, ordered in default of payment of a fine and costs, ceases nevertheless on payment of the sum due.

**Levy on moveables.** **151.** The fines, as well as the costs taxed, may also be recovered and levied upon the moveables and effects of the offenders.

**To whom fines paid.** **152.** All fines and penalties, recovered under this act, shall be paid into the hands of the city treasurer.

**Liability of joint-owner, etc.** **153.** Any joint-owner or joint-occupant of any lot, house, building or other immoveable in the city, complained of for violation of any by-law of the council, bearing upon such joint-owner or joint-occupant, or upon the said lot, house, building or other immoveable, by reason of any nuisance or other offence, committed thereon, may be sued alone, or conjointly with his co-owners or co-occupants, as may be deemed advisable, as also any agent of the said joint-owner or joint-occupant.

**Contents of suit.** In the suit, it is sufficient to mention the name of one such joint-owner or joint-occupant, or of such agent, with the addition of the words: "and others", and oral testimony of such ownership or occupancy, whether sole or joint, or of such agency, is sufficient.

**Where imprisonment held.** **154.** Whenever, in the present or any other act relating to the city, or in any by-law, imprisonment is imposed, such imprisonment is presumed and held to be in the common gaol of the district of Beauharnois.

**Remission of fines.** **155.** The council has alone the right of remitting the whole or any part of any fine belonging to the city as well as of the costs of the suit occasioned by the prosecution for the fine.

**How effected.** **156.** The said remission shall be made in each case, by a resolution adopted by the absolute majority of all the council, on a petition presented to the council to that effect, accompanied by a recommendation of the judge or magistrate who shall have imposed the fine; the said petition to be presented by the person asking such remission.

**157.** Any member or officer of the council who shall infringe the provisions of any of the two next preceding articles must reimburse to the corporation the sum which has been lost by such illegal remission, and shall incur a fine not exceeding twenty dollars for each offence.

#### RECORDER'S COURT

**158.** Section 642 of the said Cities and Towns' Act is replaced, for the city, by the following:

**"642.** The council of the city may, by by-law, establish, maintain, abolish and re-establish a court of record called the "Recorder's Court".

It shall be held by the recorder, appointed as hereinafter provided, and have its sittings in the city-hall or any other place set apart for the purpose by the council.

The said court shall have a seal."

Seal.

**159.** Section 643 of the said Cities and Towns' Act is replaced, for the city, by the following:

**"643.** The recorder is appointed by the Lieutenant-Governor; he is *ex officio* a justice of the peace in and for the district of Beauharnois, and is vested with all the rights, powers and authority of one or two justices of the peace, and of the Recorder's Court.

The Lieutenant-Governor may, however, dismiss him upon a joint address from the Legislative Council and the Legislative Assembly."

**160.** Section 646 of the said Cities and Towns' Act is replaced, for the city, by the following:

**"646.** The salary of the recorder shall not be more than one thousand dollars, and shall be paid monthly out of the funds of the city."

**161.** Section 647 of the said Cities and Towns' Act is replaced, for the city, by the following:

**"647.** The city council may appoint a deputy-recorder, who shall be an advocate of five years' standing."

**162.** Section 650 of the said Cities and Towns' Act is replaced, for the city, by the following:

**"650.** The clerk of the Recorder's Court is appointed by the council during good behavior, and has the custody of the seal of the court."

*Jurisdiction of the Recorder's Court*

R. S., c. 102, s. 657, excluded from charter. **163.** Section 657 of the said Cities and Towns' Act is excluded from this charter.

Id., s. 658, replaced for city. **164.** Section 658 of the said Cities and Towns' Act is replaced, for the city, by the following:

Jurisdiction of Recorder's Court. **"658.** The Recorder's Court has the jurisdiction of a recorder within the limits of the city, and shall hear and determine summarily:

Collection of taxes. 1. Any action brought for the recovery of any sum of money due to the corporation for any tax, assessment, or municipal due whatsoever, imposed by any by-law or resolution of the council;

Market dues. 2. Any action for the recovery of any sum of money due to the corporation for the rent of any butcher's stall, or other stall or stand in or upon any of the public markets or elsewhere in the city, in virtue of any by-law of the council, or for any tax, duty or license imposed and levied in and upon the public markets or private butchers' stalls in the city;

Water-rates, etc. 3. Any action for the recovery of any water or light rate, or any sum of money whatsoever that may be due and payable to the corporation for any supply of water given or furnished from the city water-works, or of light to any house or building, or given or furnished to or for the use of any person in or outside the city; or for the introduction of any pipe or pipes from the said water-works or of any wire, into any house or building in the city, at the instance or for the use or benefit of any person, in or outside the city;

Actions for servants' wages, etc. 4. Any action for the recovery of wages of servants, apprentices, domestics or journeymen, or of damages arising out of the lease or hire of work, the amount of which shall not exceed twenty-five dollars;

School taxes. 5. Any action for the recovery of any tax, assessment or contribution for schools or monthly dues, due and payable to the school commissioners of the city or to the dissentient school trustees of the city.

Powers of court. **165.** The said court and the said recorder shall have and exercise, for that purpose, all the powers and jurisdiction by law granted to the Superior, Circuit or Magistrate's Courts or to the judges thereof.

R. S., c. 102, s. 659, replaced for city. **166.** Section 659 of the said Cities and Towns' Act is replaced, for the city, by the following:

**"659.** It has concurrent jurisdiction with the Magistrate's Court, as to matters between lessors and lessees, and may proceed in virtue of paragraphs 1 and 2 of article 1624 of the Civil Code, and of the legislative provisions amending the same, in the same manner and with the same formalities as the Circuit Court, or any of the judges of the Superior Court, in accordance with the Code of Civil Procedure; and the Recorder's Court has, to that end, all the necessary powers and authority, including that of issuing writs of summons, execution and possession, and of fixing and determining the costs to be paid by the losing party, which costs however shall not include any attorney's fees. Concurrent jurisdiction in certain case.

It can, however, take cognizance of such matters only in cases where the rent or equivalent value claimed does not exceed the sum of sixty dollars, and applies to real estate within the limits of the city. Restriction.

The Recorder's Court has also the same jurisdiction that granted to the Commissioners' Court by paragraph 2 of article 59 of the Code of Civil Procedure. Jurisdiction.

**167.** Section 660 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 660, replaced for city.

**"660.** After judgment ordering the eviction of a tenant, in virtue of the next preceding section, the party suing may, two days after service of such judgment on the tenant, obtain from the Recorder's Court a warrant or writ of possession, which shall be put into execution by a bailiff of the Superior or Recorder's Court, or by a constable or member of the municipal police force, each of whom is vested with all necessary authority to that effect." Writ of possession.

**168.** The same court also has jurisdiction in any suit for the recovery of any fine or penalty or the imposition of any punishment imposed in virtue of this act or any by-law of the council, and hears and determines in a summary manner all offences against or infringements of any of the provisions of this act or of any by-law. Jurisdiction.

**169.** The said court has the power of coercive imprisonment mentioned in the Code of Civil Procedure. Coercive imprisonment.

**170.** The Recorder's Court may issue writs of *saisie-arrest* after judgment, in the same manner as the ordinary courts of civil jurisdiction and shall follow in relation thereto the rules and procedure prescribed in such courts as regards the issuing of the writ, the return and judgment in matters of *saisie-arrest*. Saisie-arrest.

## FINAL PROVISIONS

French text  
to prevail.

**171.** In case there should be any difference between the English and French text of this act, the French text shall prevail.

Changing of  
numbers of  
lots.

**172.** The corporation may, at any time and whenever it may think it necessary or of any advantage, with the consent of the interested parties and on the conditions hereinafter mentioned, change the numbers of any of the lots designated on the official plan and in the book of reference of the city of Salaberry-de-Valleyfield, and of those of the parish of Ste. Cécile, which form part or may in future form part of the city, giving to these latter lots official numbers of the official plan and book of reference of the city; the corporation may also make a new division of such lots, when necessary.

New plan  
after  
changes.

**173.** The corporation shall make and prepare, whenever any changes have to be made, a correct plan of the new numbers of the city, which will replace the old numbers, either of the parish of Ste. Cécile or of the city, while following as much as possible the series of numbers actually existing on the plan of the city, or subdividing or redividing the same.

Transmission of  
plan, etc.

**174.** Such plan shall be transmitted to the Minister of Lands and Forests, together with a book of reference, containing:

1. A general description of each lot of land shown upon the plan;

2. The name of the owner of each lot, so far as it can be ascertained;

3. All remarks necessary to the proper understanding of the plan.

Declaration  
to accom-  
pany plan.

Such plan and book of reference must be accompanied by a declaration signed by the clerk, containing a true description, according to the old plan, of each of the immoveables, lots or portions of lots to which new numbers have been given, pointing out and giving at the end of each description the number entered on the new plan under which the land described and mentioned in the said declaration shall be known in future.

Copy, to  
whom sent.

**175.** A copy of the said plan, book of reference and declaration shall also be delivered to the Minister of Colonization, Game and Fisheries.

**176.** After the said plan and book of reference shall have been approved, the Minister of Colonization, Game and Fisheries shall deposit a copy thereof, together with a copy of the declaration of the clerk, in the registry office of the county of Beauharnois. Deposit after approval.

A notice of such approval and of such deposit shall be given in the *Quebec Official Gazette*; and the provisions of article 2168 of the Civil Code, as regards the said new plan and book of reference, shall come into force thirty days after the publication of such notice. Notice.

**177.** From and after such deposit, the registrar must prepare a supplement to all the books necessary for the registration of deeds relating to immoveables situated in the said city. Preparation of supplement after deposit.

**178.** Without interrupting prescription and without changing the rank held by any creditor, or decreasing or increasing the rights of the parties, the council shall, after all such changes, within thirty days from the publication of the notice that the said plan and book of reference have been approved and deposited, renew, at its own costs, the registration of any real right and of all charges or hypothecs which may exist up to the time of the coming into force of such new plan and book of reference, upon the lots or parts of lots which have been so changed. Renewal of registrations.

**179.** Whenever a change, subdivision or redivision has been made in virtue of the above provisions, the particular number and designation given to each lot upon the new plan and book of reference shall be the true description of such lot, which shall be sufficient as such in any document whatever; and the provisions of article 2168 of the Civil Code shall apply to such lot. True description.

**180.** As soon as any said above-mentioned plan and book of reference shall be deposited with him, the registrar shall note in the index to immoveables, under the number of the original lot, or of the subdivision or redivision, the fact that such lot has been changed, subdivided or redivided, in whole or in part, as the case may be. Note in index to immoveables.

**181.** The costs incurred by such changes shall be paid by the city and may be recovered from the proprietors interested in the same manner and with the same privileges as municipal dues, unless the council shall have declared, by a resolution, that such costs or any part thereof be borne by the city, as may have been agreed between the corporation and the proprietors interested. Payment of costs of changes.

By-laws,  
etc., con-  
tinued.

**182.** All by-laws, resolutions, *procès-verbaux*, agreements, undertakings, assessment rolls, orders, plans, rolls and other municipal acts and documents whatsoever, made or entered into by the said city of Salaberry-de-Valleyfield, before the coming into force of this act shall continue to have their effect until amended, cancelled, repealed or executed.

Validation.

In particular, by-law No. 322, passed by the city of Salaberry-de-Valleyfield, by which the said city annexes the territory designated by the name of municipality of the village of Ste. Cécile, is hereby ratified, declared valid and in force and confirmed.

Coming into  
force.

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