



CHAPTER 121

An Act to incorporate the town of East Beauceville and amend the charter of the town of Beauceville

[Assented to, the 4th of April, 1930]

WHEREAS Dr. J. H. Desrochers, physician; Georges Preamble.

Grondin, section man; Majorie Gilbert, manufacturer; Adélard Latulippe, printer; Herménégilde Poulin, farmer; Damase Roy, farmer; P. E. Bégin, insurance agent, and Gédéon Leclerc, section man, all of Beauceville, have, by their petition, represented:

That they are ratepayers and residents of Beauceville;

That by the act 4 Edward VII, chapter 67, the territory described in the said act was erected as a town and the inhabitants of the said territory and their successors were incorporated under the name of "Corporation of the town of Beauceville";

That under section 7 of the said act, the town was divided into four wards, the wards Nos. 1 and 2 comprising the territory situated on the southwest side of the river Chaudière, and the wards Nos. 3 and 4, the territory situated on the northeast side of the said river Chaudière;

That under section 23 of the said act, all expenses, other than those of mere administration have to be borne by the side of the river Chaudière alone for which such expenses have been incurred;

That two separate accounts are kept for each of the two sides of the river Chaudière, called "Northeast Accounts" and "Southwest Accounts";

That expenditure in the general interest has to be paid by the whole municipality and account thereof is kept under the name of "General Account";

That expenses which concern only one side of the river have to be voted by the majority of the aldermen of the two wards concerned;

That this procedure, necessitated through the topography of the place, is of a nature to cause dispute between those interested and to hurt the progress and development of the municipality;

That over ninety per cent of the electors and ratepayers on the east side of the river have declared themselves in favour of the incorporation as a separate corporation, for municipal and school purposes, of wards Nos. 3 and 4 of the town of Beauceville, comprising all the territory of the said town situated to the east side of the river Chaudière;

That it is therefore expedient that the municipality of the town of Beauceville be divided, for municipal and school purposes, into two separate municipalities, one under the name of "Town of Beauceville", comprising that portion of the territory of the present town of Beauceville situated southwest of the river Chaudière which formed the wards No. 1 and No. 2, with the islands and islets opposite such two wards; the other, under the name of "Town of East Beauceville", comprising that portion of the territory of the present town of Beauceville, situated northeast of the river Chaudière which formed the wards No. 3 and No. 4;

That it is necessary to pass an act to effect such division, to determine the rights and obligations of the portions after such division and to amend accordingly the act 4 Edward VII, chapter 67;

That the corporation of the town of Beauceville has, by resolution, declared itself in favour of the incorporation of this territory; and

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

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

Short title. **1.** This act may be cited as "Charter of the town of East Beauceville".

Territory incorporated. **2.** The territory hereinafter described shall be detached from the municipality of the town of Beauceville and shall be erected into a town municipality under the name of "East Beauceville" and shall constitute a municipality distinct and separate from the county of Beauce for all municipal and school purposes.

Territory comprised. **3.** The territory of the town of East Beauceville, for municipal and school purposes, shall comprise:

All the territory starting from the middle of the river Chaudière on the continuation of the end of the division line of lots Nos. 175 and 177 of the cadastre for the parish of St. François d'Assise, in the county of Beauce, abutting at the northeast on the river Chaudière; thence, following the division line of said lots Nos. 175 and 177 to a point situated at a distance of six arpents two perches and nine feet; thence, towards the northwest, across lot No. 175 to a point between lots Nos. 175 and 174, at a distance of seven arpents and three perches from the river Chaudière; thence, continuing towards the northwest in a straight line to a point on the division line of lots Nos. 172 and 173, this latter point being the north corner of a lot now possessed by the *Dames Religieuses de Jésus-Marie* as having acquired it from Messrs. Fortin, Mathieu, Renaud and Angers, joint owners; thence, continuing towards the northwest in a straight line to a point situate on the division line of lots Nos. 94 and 96, at a distance of eight arpents from the river Chaudière; thence, towards the river, following such division line and taking in lot No. 97 of the cadastre, being of irregular outline; thence, following the middle of the said river, to the point of departure, together with and including the islands and islets situate below the iron bridge which crosses the said river. The islands and islets above the said bridge, including that whereon the foundations of the said bridge rest, shall not form part of East Beauceville.

4. The inhabitants and ratepayers of the said territory and their successors shall hereafter constitute a town corporation under the name of "Municipality of the town of East Beauceville", for municipal and school purposes.

5. The town shall be governed by the Cities and Towns' Act, chapter 102 of the Revised Statutes, 1925, except where specially derogated from by this act or by the inconsistent provisions it may contain.

6. Except where they may be inconsistent with this act, all the by-laws, *procès-verbaux*, assessment rolls, titles, dues, orders, resolutions, enactments, contracts or agreements, undertakings and other municipal acts whatsoever made or entered into by the council of the corporation of the town of Beauceville, shall continue to have their full effect as regards the town of East Beauceville until replaced, repealed or amended by the corporation of the town of East Beauceville.

Office of
mayor and
aldermen
continued.

7. The mayor and aldermen of the town of Beauceville shall remain in office for the town of East Beauceville until the date of the first general election, as hereinafter provided.

Municipal
officers, etc.,
continued in
office.

8. The municipal officers and employees of the town of Beauceville shall continue in office within the territory of the town of East Beauceville until the date of the first general election, as hereinafter provided.

Succession.

9. The corporation of the town of East Beauceville shall succeed to all the rights and obligations of the town of Beauceville insofar as the territory of the town of East Beauceville is concerned, and the debts and obligations of the town of Beauceville contracted before the passing of this act shall be apportioned in the following manner:

Debts.

The debt entered in the general account shall be divided between the two municipalities of Beauceville and East Beauceville in proportion to the valuation of the taxable property, according to the present municipal valuation roll of Beauceville, which, on the 1st of August, 1929, was, for wards Nos. 1 and 2, two hundred and seventy thousand, three hundred and sixty-five dollars (religious buildings not being included nor entering in the account) and, for the new municipality of East Beauceville, comprising the wards Nos. 3 and 4 of Beauceville, before the passing of this act, four hundred and ninety-eight thousand and four hundred dollars.

Idem.

The debt entered in the account of the west side shall be entirely borne by the town of Beauceville and that entered in the account of the east side shall be entirely borne by the municipality of East Beauceville.

Revenues.

10. The revenues of the municipality of East Beauceville appropriated for the payment of the obligations entered in the special account of the heretofore municipality of Beauceville, for the east part, shall be deposited by the secretary-treasurer of the town of East Beauceville in a chartered bank at East Beauceville, or, if there be none in the place, in the nearest place, to the credit of the municipality of Beauceville, in a special account, and payments out of such special deposit shall be made as they become due, by means of cheques bearing the signatures of the two secretary-treasurers then in office, of the municipalities of Beauceville and of East Beauceville.

Payments.

Deposit of
certain
monies.

11. The monies appropriated for the payment of the debt entered in the general account of the heretofore muni-

unicipality of Beauveville for the portion due by the municipality of East Beauveville shall be deposited in a chartered bank, to the credit of the municipality of Beauveville.

12. The maintenance of the bridge connecting the two banks of the river Chaudière, facing the two municipalities, shall be borne by both municipalities in the proportion of the municipal valuation mentioned in section 9 of this act. Such maintenance work shall be executed under the control and direction of a commission composed of three persons, one appointed by resolution of the council of East Beauveville, and the third chosen by the first two, and, if they do not agree, by a judge of the Superior Court, on a petition by the mayor of either of the two municipalities.

Costs of maintenance of bridge over river Chaudière.

Commission.

These persons shall remain in office for one year, and, in the event of a vacancy, shall be replaced in the same manner. The commission shall render an account to both the municipalities, at the expiration of each year, or whenever called upon to do so by either municipality.

Office for one year. Vacancy.

If either or both of the municipalities refuse or neglect to make such appointments each year within a month after the holding of the annual election, the Minister of Municipal Affairs shall appoint such person or persons for and on behalf of the municipality in default, and such persons so appointed shall have the same authority and shall bind the municipalities represented by them in the same manner and with the same effect as if they had been appointed by the municipalities concerned.

If no appointment by municipalities.

The services of the persons so appointed shall be gratuitous.

Services gratuitous.

When the repairs or changes in the said bridge necessitate the making of approaches, the work shall be exclusively borne by the municipality which undertakes its execution within its territory.

Payment of approaches.

13. Section 17 of chapter 102 of the Revised Statutes, 1925, is replaced, for the town, by the following:

R. S., c. 102, s. 17, replaced, for town.

17. The first general election of mayor and aldermen shall be held on the fortieth day after the 4th of April, 1930.

First general election.

The nomination shall be held from noon until two o'clock on the said date and the voting, if necessary, on the eighth juridical day following, from seven o'clock in the forenoon until five o'clock in the afternoon. The nomination for the first general election and the voting shall be held at the place fixed by the returning-officer."

Nomination, etc.

Returning-officer.

14. The returning-officer for the first general election of mayor and aldermen shall be P. A. Angers, notary, of Beauceville.

R. S., c. 102, s. 30, replaced, for town.

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

One ward.

“30. The municipality shall comprise only one ward represented by six aldermen, whose seats shall be numbered as provided by this act.”

R. S., c. 102, s. 47, replaced, for town.

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

Composition of council.

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

R. S., c. 102, s. 48, replaced, for town.

17. Section 48 of the Cities and Towns' Act is replaced, for the town, by the following:

Term of office of mayor.

“48. The mayor shall be elected for two years by the majority of the municipal electors who have voted.”

First election of mayor.

18. The mayor elected at the first election shall remain in office until the first juridical day of February, 1932.

Subsequent elections.

The subsequent elections of mayor shall take place every two years, at the time fixed by law.

R. S., c. 102, s. 49, replaced, for town.

19. Section 49 of the Cities and Towns' Act is replaced, for the town, by the following:

Term of office of aldermen.

“49. The aldermen shall be elected for two years, by the majority of the municipal electors who have voted.”

Idem.

20. Three aldermen elected at the first election shall remain in office only until the first juridical day of February following the first election, and the three aldermen who have not been replaced, as aforesaid, shall cease to perform their duties on the first juridical day of the second month of February following the first general election.

Three aldermen first elected.

The three aldermen going out of office on the first juridical day of the first month of February, as aforesaid, shall be selected at a sitting of the council by lot, in the manner determined by the council.

When council neglects to replace aldermen.

Should the council neglect to take the steps to have lots drawn, the presiding-officer of the election shall do so publicly on the day for nominating aldermen immediately after the opening of the meeting.

The elections for the mayor subsequent to the first election after the election of February, 1932, shall take place every two years on the first juridical day of February.

Date of elections for mayor.

21. Section 57 of the Cities and Towns' Act is replaced, for the town, by the following:

R. S., c. 102, s. 57, replaced, for town.

"57. At the first sitting of each of the months of January and July of each year, the council shall appoint one of its members as acting-mayor, who shall have and exercise all the powers with which the mayor is legally invested by law, whenever the mayor may be absent from the municipality, or unable to discharge the duties of his office."

Appointment of acting-mayor and his powers.

22. Section 124 of the Cities and Towns' Act is replaced, for the town, by the following:

R. S., c. 102, s. 124, replaced, for town.

"124. No person may be either nominated or elected mayor or alderman nor hold such office unless he, during the twelve months immediately preceding the day of his nomination, has been seized of and has possessed, as proprietor in his own name or in that of his wife, immoveable property in the municipality of the value of three hundred dollars, after payment or deduction of every hypothec and privilege registered thereon; such qualification to be established by the valuation roll in force at the date of the nomination."

Property qualification of mayor and aldermen.

23. Section 134 of the Cities and Towns' Act is replaced, for the town, by the following:

R. S., c. 102, s. 134, replaced, for town.

"134. No person qualified to vote as owner, tenant or occupant may be entered on the municipal electoral list if, on the 15th of the month of December during which such list has to be made, he owes any taxes to the municipality."

Right to vote affected.

24. Section 345 of the Cities and Towns' Act is replaced, for the town, by the following:

R. S., c. 102, s. 345, replaced, for town.

"345. The first meeting of the council after the first general election shall be held at the place fixed by the mayor elected, at half past seven o'clock in the evening, on the eighth juridical day following the proclamation of the persons elected.

Date of first general meeting.

The council thereafter shall fix, by resolution, the place within the municipality where the subsequent sittings of the council shall be held and may, in like manner, change the same whenever it thinks fit."

Date and place of subsequent meetings.

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

Property
not taxable.

25. Section 520 of the Cities and Towns' Act is replaced, for the town, by the following:

"520. The following property shall not be subject to taxation:

- a. Lands belonging to His Majesty or held in trust for the service of His Majesty;
- b. The property of the Federal and Provincial Governments, that of the municipal corporation and the immoveable property of the office of the registration division of the county of Beauce;
- c. Property possessed and used for public worship, presbyteries, parsonages and cemeteries;
- d. All educational establishments and the lands on which they are erected and all immoveables used for libraries open to the public free of charge;
- e. All buildings and lands occupied and possessed by a benevolent institution, but property possessed by religious institutions, benevolent or educational corporations for the purpose of deriving a revenue therefrom shall not be exempt from taxes.

Exceptions. Such exemptions, however, shall not apply to lands nor to buildings erected on lands leased or occupied under a lease from the Government; such lands belonging to the Government and occupied under a lease, shall be assessed in the same manner as other immoveables, and the assessment thereon shall be paid by the tenant or occupant, as if such lands and buildings had been assessed against the tenants or occupants personally."

R. S., c. 102,
s. 597, re-
placed, for
town.

Loans au-
thorized.

26. Section 597 of the Cities and Towns' Act is replaced, for the town, by the following:

"597. Notwithstanding the provisions of this subdivision, the council may, on mere resolution, contract loans, by means of notes, on the terms and conditions deemed expedient in order to settle current business, provided that the total amount of the said notes shall not, at any time, exceed the sum of three thousand dollars."

Voting by
certain com-
panies.

27. Every joint stock company which enjoys no commutation of taxes under chapter 116 of the Revised Statutes, or under this act, shall be entitled to vote upon any referendum for the value of the immoveable property possessed by it in the municipality, according to the valuation roll, and its vote shall be given by a representative duly authorized by resolution of its board of directors, adopted within three months preceding the date of voting.

28. Nothing in this act contained shall affect the rights and privileges already granted by the corporation of the parish of St. François d'Assise, in the county of Beauce, and by the town of Beauceville. Rights safe-guarded-

29. The town shall constitute a separate school municipality and the school commissioners shall be elected, for the first election, fifty days after the coming into force of this act, in accordance with the provisions of the Education Act. Separate school municipality.

30. The mayor, every alderman, the secretary-treasurer of East Beauceville, or any representative holding an authorization in writing from the mayor, an alderman, or the secretary-treasurer, shall have access to the books and documents of the town of Beauceville during ordinary office hours, to take communication thereof, and the secretary-treasurer of East Beauceville is further authorized to take extracts and copies of the said books, *procès-verbaux*, by-laws and of all other documents in which the town of East Beauceville is concerned, and to certify the said extracts and copies. Such extracts and copies duly certified by the secretary-treasurer of East Beauceville shall have the same force and effect as if they had been certified by the secretary-treasurer of Beauceville, in his official capacity. Persons to have access to books, etc., of town of Beauceville. Extracts, etc.

31. The provisions of the act 4 Edward VII, chapter 67, inconsistent with the provisions of this act, are amended or repealed accordingly. Provisions affected.

32. The costs of this act shall be borne by the municipality of East Beauceville. Costs.

33. Section 7 of the act 4 Edward VII, chapter 67, is replaced by the following: 4 Ed. VII, c. 67, s. 7, replaced.

"7. The town is divided into two wards for the purposes of representation, to wit: ward No. 1 and ward No. 2: Division into wards.

Ward No. 1 shall comprise the territory of the town situated and located on the southwest side of the river Chaudière, starting from cadastral lot No. 1524, inclusively, to the middle of the road called *route de l'église* and continuing in a straight line to the said river, including lot No. 1538 of the cadastre of the parish of St. François de la Beauce. Ward No. 1.

Ward No. 2 shall comprise all the territory of the town on the southwest side of the river Chaudière, starting from Ward No. 2.

the limits of ward No. 1 to cadastral lot No. 1568, inclusively, to the southeastern extremity of the town on the said southwest side of the river Chaudière, including the islands above the iron bridge across the Chaudière river."

4 Ed. VII, c. 67, s. 11, replaced. **34.** Section 11 of the act 4 Edward VII, chapter 67, is replaced by the following:

Number of aldermen. **"11.** The number of aldermen shall be four, two per ward."

4 Ed. VII, c. 67, s. 13, replaced. **35.** Section 13 of the act 4 Edward VII, chapter 67, is replaced by the following:

Elections of mayor and aldermen. **"13.** The elections of the mayor and aldermen shall take place every two years, on the first juridical day of February."

4 Ed. VII, c. 67, ss. 17 and 23, repealed. **36.** Sections 17 and 23 of the act 4 Edward VII, chapter 67, are repealed.

Coming into force. **37.** This act shall come into force on the day of its sanction.