

41. The town may obtain the provisional and immediate possession of the land or the exercise of the rights required before the judgment in cases of expropriation, by a petition to a judge in chambers, accompanied by affidavits from the town engineer, or from the clerk, or from one of the assessors, to the effect that the value of the said land or of the said right is that mentioned in the case of expropriation, and that the possession thereof is immediately required, and by depositing in the office of the court, with this petition, the amount mentioned in the said case of expropriation, provided such petition has been served upon the defendant in the expropriation case, at least ten days before the presentation thereof to the judge. The costs of such petition shall form part of the expropriation case.

42. In the case of expropriation, the cost shall be charged to the municipality if the final judgment grants an indemnity greater than the amount offered by it; otherwise it shall be at the charge of the expropriated party. Such costs shall be taxed as in a second class Superior Court case.

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

CHAP. 96

An Act to amend the charter of the town of Saint Germain de Rimouski

[Assented to, 14th of February, 1920]

WHEREAS the town of Saint Germain de Rimouski has, by its petition, represented that it is in the interest of the ratepayers and of the proper administration of its affairs that an act be passed to amend its charter, the act 4 Edward VII, chapter 64, as amended by the act 6 Edward VII, chapter 51, and to grant it fresh powers; and whereas it is expedient to grant its prayer;

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

1. Section 1 of the act 4 Edward VII, chapter 64, is replaced by the following:

"1. The acts 4 Edward VII, chapter 64, 6 Edward VII, Charter of town.

chapter 51, and this act, may be cited as the "Charter of Rimouski".

Id., s. 2,
replaced.

2. Section 2 of the act 4 Edward VII, chapter 64, is replaced by the following:

Name of
town.

"**2.** The inhabitants and ratepayers of the town of Saint Germain de Rimouski and their successors shall continue to form a municipal corporation under the name of the "Town of Rimouski" ".

Provisions
repealed.

3. Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of the act 4 Edward VII, chapter 64, and sections 1 and 4 of the act 6 Edward VII, chapter 51, are repealed.

4 Ed. VII,
c. 64, s. 5,
am.

4. The following paragraphs are added to section 5 of the act 4 Edward VII, chapter 64:

Land
detached
from town.

"A portion of the land owned by the representatives of Hubert St. Laurent is detached from the limits of the said town, and annexed to the parish of Saint Germain de Rimouski, as follows:

Boundaries
of detached
portion.

Starting from the northern extremity of the land belonging to the representatives of Hubert St. Laurent, following the northeastern boundary of the town to a distance of one hundred feet to the south of the P. Morissette stream; thence in a southwesterly direction at an angle of twenty-five degrees southwest to a distance of two hundred and twenty-five feet; thence in a northerly direction, a straight line parallel to the main northeast line as far as the northern extremity of the said land."

Id., s. 6,
replaced.

5. Section 6 of the act 4 Edward VII, chapter 64, is replaced by the following:

Wards.

"**6.** The town of Rimouski shall be divided into three wards respectively called Saint Germain ward, Saint Louis ward and Saint Joseph ward:

1. Saint Germain ward shall comprise all that portion of the eastern part of the town starting from Cathedral avenue;

2. Saint Louis ward shall comprise that portion between Cathedral avenue and Lavoie street;

3. Saint Joseph ward shall comprise the whole of that portion of the western part of the town starting from Lavoie street."

R. S., 5300,
replaced, for
the town.

6. Article 5300 of the Revised Statutes, 1909, is replaced for the town by the following:

"5300. The municipal council shall be composed of a mayor and of two aldermen for each ward of the town, elected in the manner hereinafter prescribed."

Composition of council.

7. The second paragraph of article 5301 of the Revised Statutes, 1909, shall not apply to the town.

Provision not to apply.

8. Article 5325 of the Revised Statutes, 1909, is replaced for the town by the following:

Id., 5325, replaced, for the town.

"5325. The council may require of all persons employed by it, such security as it may deem necessary and sufficient to assure the complete and faithful execution of their duties.

Security by employees of the town.

Such security may be replaced by a policy of a guarantee insurance company having an office in the Province of Quebec and specially authorized to do business under the Quebec Insurance Act.

The treasurer shall be bound to furnish such security."

9. The following paragraph is added for the town to article 5360 of the Revised Statutes, 1909:

Id., 5360, am. for the town.

"The council may appoint assessors residing outside the municipality".

Assessors.

10. Article 5373 of the Revised Statutes, 1909, is replaced for the town by the following:

Id., 5373, replaced, for the town.

"5373. No person qualified to vote as proprietor, tenant or occupant, shall be entitled to have his name entered on the electors' list for any of the wards of the municipality who, on the first day of October next preceding the expiration of the delay mentioned in article 5374, is indebted to the municipality for any taxes or water-rates (special taxes excepted).

Disqualification of voters.

This article shall deprive the proprietor of the right to be entered on the list for the ward only in which such taxes become due."

11. Articles 5553, 5554 and 5555, and the second paragraph of article 5557 of the Revised Statutes, 1909, shall not apply to the town.

Id., certain arts. not to apply to the town.

12. Article 5561 of the Revised Statutes, 1909, is replaced for the town by the following:

Id., 5561, replaced, for the town.

"5561. The mayor may call a special session of the council when and as often as he may deem proper. Such session may be called upon verbal or written intimation from the mayor to the clerk of the municipality, who

Special sessions of council.

thereupon shall issue a notice of meeting summarily specifying the business to be transacted at such session, and shall cause a copy of such notice to be served or sent by registered mail to every member, at his domicile or place of business, at least twenty-four hours prior to such session; and the mailing of a registered notice twenty-four hours before such session, shall be deemed equivalent to service of such notice."

Id., 5639,
par. 5,
replaced, for
the town.
Inspection
of milk.

13. Paragraph 5 of article 5639 of the Revised Statutes, 1909, is replaced for the town by the following:

"5. To provide for the inspection of milk, and to prohibit the use, sale, and exposure for sale of milk which is unhealthy, infected with germs of disease or otherwise dangerous to health, and to authorize the seizure and confiscation thereof; to inspect and regulate dairies, stables and cow-sheds situate within or without the town limits, whence the milk sold in the town comes; to inspect and regulate the premises in which milk is sold; to compel milkmen selling milk in the town to employ the methods of transport and treatment of milk most suitable for protecting it against contamination and to ensure the purity thereof; to grant licenses to milkmen selling milk in the town; to refuse such licenses to milkmen who do not comply with the law or the by-laws of the town respecting milk, as well as those of the Board of Health of the Province, and to suspend or annul such licenses for infractions of the law and by-laws, in addition to any other penalty; to order that a permit or license for selling milk in the town be not granted until the person applying for the same has declared the names of those who sell him such milk, and to compel him to produce a certificate that the herds of cattle belonging to such persons have been examined by the veterinary surgeon appointed by the council and have undergone the tuberculine test."

Licenses to
milkmen.

Id., 5648,
replaced, for
the town.

14. Article 5648 of the Revised Statutes, 1909, is replaced for the town by the following:

Right of
expropria-
tion.

"**5648.** Notwithstanding article 5793, if, with respect to the needs of the waterworks or any of the purposes mentioned in the foregoing articles, either without or within the limits of the municipality, the parties cannot agree as to the acquisition of any land, stream, river, lake, property or right of any kind belonging to any individual or corporation, such acquisition may be effected by expropriation;"

15. Article 5664 of the Revised Statutes, 1909, is replaced for the town by the following: Id., 5664, replaced, for the town.

"5664. The council may make special arrangements for the supply of water beyond the municipality to neighboring persons and municipal corporations, provided the persons or adjoining corporations with whom it makes such arrangements conform to the by-laws respecting the management of the waterworks." Water supply for the town.

16. Paragraph 10 is added for the town after paragraph 9 of article 5684 of the Revised Statutes, 1909: Id., 5684, par. 10, enacted.

"10. The council may authorize, by resolution, the expenditure out of the town's revenue of any sums which it may deem necessary and useful for advertising and making the advantages of the town known, and for paying the cost of official receptions which it may deem advisable to have, and of such delegations as it may deem necessary to send, provided that the total amount expended in any year shall not be more than two thousand dollars." Grant of money for receptions, etc.

17. Article 5686 of the Revised Statutes, 1909, is replaced for the town by the following: Id., 5686, replaced, for the town.

"5686. Every by-law passed in virtue of sub-paragraphs *a*, *b* and *c* of paragraph 4 and paragraph 5 of article 5685 shall, before coming into force and effect, be approved by the municipal electors who are owners of immoveable property and by the Lieutenant-Governor in Council." Approval of by-laws by voters, etc.

18. Article 5727 of the Revised Statutes, 1909, is replaced for the town by the following: Id., 5727, replaced, for the town.

"5727. The municipal taxes and the compensation due to the town for water or other public service and the interest thereon shall be a privileged claim upon the moveable and immoveable property of the debtors, and exempt from the formality of registration." Claim for taxes, etc., privileged.

19. Sub-paragraph *a* of paragraph 1 of article 5732 of the Revised Statutes, 1909, is replaced for the town by the following: Id., 5732, am. for the town.

"a. On the stock in trade of all descriptions kept by merchants and dealers and exposed for sale in shops, or kept in vaults, warehouses or store-houses; on all yards or depots for rough, sawn or manufactured wood or lumber; and on all yards or depots for coal or other articles of commerce kept for sale, a tax not exceeding one-half of one Tax on articles of commerce, etc.

per cent on the estimated average value of such stock in trade or other articles of commerce;”.

Id., 5734,
replaced, for
the town.

20. Article 5734 of the Revised Statutes, 1909, is replaced for the town by the following:

Personal
tax.

“5734. The council may impose and levy on all male inhabitants of the age of twenty-one years and over, and up to sixty full years, residing or having a place of business in the town and not otherwise taxed, a yearly tax not exceeding five dollars.

Exemptions.

Ecclesiastics and ministers of religion as well as professors, students, apprentices and domestic servants shall be exempt from this tax.

Electors.

Every person who has paid such tax, and who possesses the other qualifications required by law, shall be a municipal elector.”

Id., 5736,
replaced, for
the town.

21. Article 5736 of the Revised Statutes, 1909, is replaced for the town by the following:

Certain
taxes may
be imposed
as licenses.

“5736. Every special tax imposed under articles 5735 and 5735a, as well as the tax mentioned in article 5733, may, at the discretion of the council, be imposed and levied in the shape of a license; and thereupon such tax shall be payable annually at such time and under such conditions and restrictions as the council may determine.

It shall not be necessary that the persons who are obliged to pay such taxes should be mentioned on the valuation or collection roll. Such license may be imposed in addition to those mentioned in article 5732.”

Id., 5736a,
enacted, for
the town.

22. The following article is added for the town after article 5736 of the Revised Statutes, 1909:

Special tax
on telegraph
poles, etc.

“5736a. The council may make by-laws for compelling any company, firm or person to pay to the town a special annual tax not exceeding twenty-five cents for every pole used by it or for which it has use or control, in the streets or public places of the town, for telegraph, telephone, electric light lines or lines for the transmission of electric motive power or intended for its use.”

Id., 5750,
am., for the
town.

23. The following paragraph is added for the town after article 5750 of the Revised Statutes, 1909:

Service of
notice.

“The service of such notice shall be effected by depositing a copy of the same in the post office of the locality in a sealed registered envelope, addressed to the ratepayer.”

24. Article 5756 of the Revised Statutes, 1909, is re- Id., 5756,
placed for the town by the following: replaced, for
the town.

"5756. If the taxes imposed on one or more immove- Execution
ables have not been paid within the five months next for taxes on
after the notice of deposit of the roll, because the person immoveable
bound to pay them does not reside in the municipality, property.
or, if he resides therein, because sufficient moveable prop-
erty belonging to him and liable to seizure has not been
found therein, the mayor may, with the authorization of
the council, issue under his hand and that of the clerk,
a warrant specifying the amount of taxes due, and ordering
the sheriff of the district to seize and sell the immoveables
therein described and in respect of which such taxes are
due."

25. Article 5775 of the Revised Statutes, 1909, is re- Id., 5775,
placed for the town by the following: replaced, for
the town.

"5775. Subject to article 5929 and following, the Tax ex-
council may, by resolution, exempt from municipal taxes emptions,
for a period not exceeding twenty years any company, firm etc.
or person carrying on any industry, trade or entreprise, or
may agree with such company, firm or person for a fixed
sum of money payable annually for a period not exceeding
twenty years in commutation of all municipal taxes.

It may remit the payment of municipal taxes to all poor
persons in the municipality.

The exemptions or agreements authorized by this article Not appli-
shall not apply to the water tax, or business tax imposed cable to
under by laws of the municipality." certain
taxes.

26. Article 5801 of the Revised Statutes, 1909, is re- Id., 5801,
placed for the town by the following: replaced, for
the town.

"5801. The penalties imposed by the by-laws of the Recovery of
council or by the provisions of this chapter, or of the charter, penalties.
shall be recoverable before the district Magistrate of the
district of Rimouski, or before a justice of the peace resid-
ing within the town, or the recorder if there be one, or
by an action for debt before any court of civil jurisdiction."

27. The following paragraph is added for the town after Id., 5829,
paragraph 4 of article 5829 of the Revised Statutes, 1909: par. 5,

"5. All actions brought for the recovery of a penalty enacted,
or a sum of money due to the municipality under the by- town.
laws or contracts respecting the working, administration
or maintenance of a municipal system of electric light."

28. The loans in connection with the waterworks, Borrowing

powers not
affected by
loans for
public
works.

sewers and lighting system under existing or future laws, shall not affect the limits of the borrowing power, if a special yearly tax is imposed for paying the cost of the waterworks, sewers or electric light system, provided the proceeds of such tax be invested as a sinking-fund for redeeming an equivalent portion of the debt.

Coming
into force.

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

CHAP. 97

An Act to amend the charter of the town of Montreal West

[Assented to, 14th of February, 1920]

Preamble.

WHEREAS the town of Montreal West has, by its petition, prayed that certain amendments be made to its charter, the act 1 George V (second session), chapter 65; and

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

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

1 Geo. V,
(1911), c.
65, s. 10,
replaced.
Provisions
not to apply.

1. Section 10 of the act 1 George V (second session), chapter 65, is replaced by the following:

"10. Articles 5283 and 5285 of the Revised Statutes, 1909, shall not apply to the town."

Id., s. 11,
repealed.

2. Section 11 of the said act is repealed.

R. S., 5286,
replaced, for
the town.

3. Article 5286 of the Revised Statutes, 1909, is replaced for the town by the following:

By-laws to
extend
limits of
the town.

"5286. The commission, by the affirmative vote of the absolute majority of all its members, may make by-laws to extend the limits of the municipality, by annexing thereto, for municipal purposes, any contiguous city, town, village or municipality, or part thereof.

Every such by-law shall contain a complete description of the territory to be annexed, and shall set forth the terms and conditions upon which it shall be so annexed."

Id., 5299,
replaced, for
the town.

4. Article 5299 of the Revised Statutes, 1909, is replaced for the town by the following: