

C H A P. 90

An Act to incorporate the town of DeLéry.

[Assented to 19th February, 1914]

WHEREAS the very great majority, both in number ^{Preamble.} and in value, of the ratepayers and property-owners of the territory described in section 1 of this act, have by their petition prayed that the ratepayers and proprietors of the said territory be incorporated as a town corporation under the name of "the town of DeLéry" and be subject to the provisions of the Cities' and Towns' act, with certain special powers;

Whereas it is in the interest and to the advantage of the said ratepayers and property-owners that the said territory be erected into a town; 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:

1. The town of DeLéry shall comprise the territory ^{Territory of} now forming part of the municipality of St. Joachim de ^{the town.} Chateauguay, and consisting of the lots bearing the following numbers: 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 324a, 325, 325a, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, and that portion of number 379 situate within the limits of the said territory, of the official plan and book of reference of the official cadastre of St. Joachim de Chateauguay, including such subdivisions of the said original lots as may exist.

2. The inhabitants who are ratepayers and owners ^{Corporation} of immoveables in the said municipality shall constitute ^{constituted.} a town corporation for municipal and school purposes under the name of "the town of DeLéry." Name.

3. The town shall be subject to the provisions of the ^{Provisions} Cities' and Towns' Act, except in so far as the same may ^{applicable.} be derogated from by this act, or by inconsistent provisions contained in it.

By-laws, &c. continued in force. **4.** All by laws, resolutions, *procès-verbaux*, valuation and collection rolls, lists, plans and other municipal deeds, contracts, and documents now in force in the territory described in section 1 of this act, shall continue to have their effect until amended, repealed or carried out, unless they be inconsistent with the provisions of this act.

Date of first election. **5.** The first general election of mayor and aldermen shall take place on the 3rd July, 1914, or on the following juridical day if the 3rd July be a non-juridical day.

The nomination of candidates shall take place on the 23rd June, 1914, or the following juridical day, and the returning officer shall be the secretary-treasurer of the municipality of the parish of St. Joachim de Chateauguay.

Place of voting. **6.** Polling shall take place at a single place indicated by a resolution of the council, or, in default thereof, by the returning-officer.

Right to vote. Persons qualified to vote shall vote at such place, but they shall vote but once for the office of mayor and but once for each of the six offices of aldermen.

A single ward. **7.** The town shall consist of a single ward. Articles 5283, 5284, 5285, 5370, 5371, 5377, 5380, and 5423 of the Revised Statutes, 1909, shall not apply to the town.

R.S. 5300 replaced for the town. **8.** Article 5300 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Council. **"5300.** The municipal council shall be composed of a mayor and six aldermen."

R.S. 5301 replaced for the town. **9.** Article 5301 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Term of Mayor. **"5301.** The mayor shall be elected for two years by the majority of the municipal electors of the municipality who have voted."

R.S. 5302 replaced for the town. **10.** Article 5302 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Term of aldermen. **"5302.** The aldermen shall be elected for two years by the majority of the municipal electors of the municipality who have voted."

R.S. 5363 am. for the town. **11.** Paragraph 8 of article 5363 of the Revised Statutes, 1909, shall not apply to the town.

12. Article 5373 of the Revised Statutes, 1909, is replaced, for the town, by the following: R. S. 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 of the municipality, who, on the first day of May 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). Persons in arrears of taxes not entitled to be entered on list.

13. Article 5374 of the Revised Statutes, 1909, is replaced, for the town, by the following: R.S. 5374 replaced for the town.

"5374. Prior to the first of May of each year, there shall be prepared by the clerk, or under his direction, in the manner hereinafter mentioned, a list for the municipality of the names of persons entered on the valuation roll as well as on the collection roll of the municipality, and qualified to be entered in the electors' list." Time when list shall be prepared.

14. Article 5376 of the Revised Statutes, 1909, is replaced for the town by the following: R. S. 5376 replaced for the town.

"5376. In the preparation of the list, the clerk shall omit therefrom, and, from time to time, cause to be removed therefrom, the names of all persons who either are or who may become deceased, also the names of minors, of aliens, of non-residents, of corporation employees referred to in article 5372, and of all others who are not entitled to have their names entered in such list. List to be prepared.

During the month of May, any rate-payer may, under proper safe guards, examine the list in the office of the clerk, and if he finds therein the name of any person whom he may have reason to believe is not legally entitled to be entered, he may file with the clerk a signed statement, mentioning the name, alleging the causes of disqualification, and, in each such case, the clerk shall make careful inquiry respecting the truth of such allegations, before permitting any name thus objected to to remain upon the list, when he certifies it." Examination of list.

15. Article 5413 of the Revised Statutes, 1909, is replaced, for the town, by the following: R. S. 5413 replaced for the town.

"5413. The general election for mayor and aldermen of the municipality shall be held every two years on the third day of July. If the third day of July be a non-judicial day, the election shall be held on the following judicial day." Date of general elections.

R.S. 5415 re- **16.** Article 5415 of the Revised Statutes, 1909, is
placed for the town. replaced, for the town, by the following:

Election clerk. “**5415.** At least ten days before the twenty-second day of June, in the year in which a general election is to be held, the returning-officer, by a commission under his hand, in the form E, 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.”

R.S. 5419 re- **17.** Article 5419 of the Revised Statutes, 1909, is
placed for the town. replaced, for the town, by the following:

Notice of election and what it shall contain. “**5419.** Eight days at least before the twenty-second day of June in the year in which a general election is to be held, the returning-officer shall give public notice, in the form G, under his signature, setting forth:

a. The place and time fixed for the nomination of candidates;

b. The day on which the poll for taking the votes of the electors will be held, in case a poll is necessary;

c. The appointment of the election clerk.”

R.S. 5421 re- **18.** Article 5421 of the Revised Statutes, 1909, is
placed for the town. replaced, for the town, by the following:

Date of nomination. “**5421.** The nomination of candidates at a general election shall be held on the twenty-second of June, from noon to two o’clock in the afternoon. If such day be a holiday, it shall be held on the first juridical day following such date, and during the same hours.”

R.S. 5450 re- **19.** Article 5450 of the Revised Statutes, 1909, is
placed for the town. replaced, for the town, by the following:

Hours of polling. “**5450.** The poll shall be opened at the hour of nine of the clock in the forenoon, and kept open until half past eight of the clock in the afternoon of the same day, and the returning officer shall, during that time and in the manner hereinafter prescribed, receive the votes of the electors qualified to vote.”

R.S. 5479 am. for the town. **20.** Article 5479 of the Revised Statutes, 1909, is amended by replacing, for the town, the first clause thereof by the following:

Close of poll. “**5479.** At half-past eight of the clock in the afternoon, the poll and the voting shall be closed, and an entry thereof shall be made in the poll-book.”

21. Article 5556 of the Revised Statutes, 1909, is replaced, for the town, by the following: R.S. 5556 replaced for the town.

"5556. The first session of the council shall be held at the place designated by the returning officer, and the subsequent sessions shall be held at the place designated by the council by resolution or by-law, and such place may be changed. The council may select, for its sessions and for the clerk's office, some place outside the municipality, but at a distance not exceeding three miles from its limits."
Place where council shall sit.

22. Paragraph 1 of article 5680 of the Revised Statutes, 1909, is replaced, for the town, by the following: R.S. 5680 am. for the town.

"5680. 1. To regulate the carrying on of trades, and to prohibit, restrict to certain parts of the town and regulate the erection, use or operation, in the town, of houses, factories, work-shops and establishments, the operation or use whereof may endanger public health or safety, or be a source of nuisance to properties in the vicinity, or depreciate the value thereof."
Regulation of trades, buildings, &c.

23. Article 5731 of the Revised Statutes, 1909, is replaced, for the town, by the following: R.S. 5731 replaced for the town.

"5731. All land under cultivation or farmed or used as pasture for cattle, as well as all uncleared land or wood lots within the town, from lot No. 379—Railway—to the base-line or depth of the said lot of land, shall not be valued at an amount exceeding one hundred dollars per acre, so long as such lot or part thereof has not been subdivided into building or town lots.
Valuation of agricultural land.

The council may cause to be added to the valuation roll, from time to time, by the assessors in office, on the valuation by them made, any portion of such land or immoveable, which has been detached therefrom as a building lot or town lot, and shall thus have become liable to taxation after the closing of the valuation roll, and may exact the said tax as upon all other lots entered on the said roll."
Amendments to valuation roll.

24. In addition to the powers conferred on it by the Cities' and Towns' Act, the council may also impose and levy an annual tax on all telegraph, telephone, electric-light or power poles in the streets, public places and highways of the town, provided such tax shall not exceed twenty-five cents per annum for each pole. Such tax shall be recoverable from the owners of the poles, and shall be due for all such poles so erected in the town, with the exception of
Poles may be taxed.

the telegraph poles on the property of railway companies and used by such companies.

R.S. 5777 re-
placed for
the town.

25. Article 5777 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Interest and
sinking fund.

"5777. Whenever the council contracts a loan, it shall immediately provide, out of the revenues of the municipality, for the payment of the annual interest, and for the establishment of a sinking fund of at least one per cent per annum, for each such loan.

Rate of in-
terest.

The annual rate of interest shall in no case exceed six per cent per annum."

R.S. 5780 re-
placed for
the town.

26. Article 5780 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Coupons.

"5780. Coupons to the amount of the half-yearly interest signed by the mayor and countersigned by the clerk, and payable to bearer when the interest specified therein falls due, may be annexed to each bond, obligation or debenture.

Signatures.

The signatures of the mayor and clerk may be printed, lithographed, stamped or engraved.

Payment of
interest.

At the time of payment, the coupons shall be handed to the treasurer; and the possession, by such officer, of any coupon, shall be *prima facie* evidence that the half-yearly interest specified therein has been paid."

Borrowing
power.

27. The town is authorized to borrow on notes, debentures or otherwise, at a rate not exceeding six per cent, payable annually, on a mere resolution of the council, and notwithstanding articles 5609, 5610, 5611, 5612, 5613, 5614, 5615, 5616, 5617, 5618, 5619, 5620, 5621, 5622, 5635, 5782, 5783, 5784, 5785, 5786, 5787, 5788, 5789 and all other articles of the Revised Statutes, 1909, to the contrary, an amount of fifteen thousand dollars for making roads and sidewalks within the limits of the municipality.

Detached
from county.

28. The town shall be detached from the county of Chateaugay for municipal purposes.

Costs of in-
corporation.

29. The costs, fees and expenses in connection with the present incorporation incurred by the interested parties in each portion of the territory mentioned in section 1 of this act, shall be paid by the town.

Coming into
force.

30. This act shall come into force on the first day of June, 1914.