

C H A P . 6 6

An Act to revise and consolidate the charter of the town of Buckingham.

[Assented to 14th March, 1911]

WHEREAS the corporation of the town of Buckingham, Preamble.
has, by its petition, represented that it is expedient to revise and consolidate the various special acts which govern it ; to subject it to the provisions of the Cities and Towns Act, and to grant it certain new powers ;

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

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

SECTION I

INCORPORATION.

1. The inhabitants and rate-payers of the town of Buck- Persons in-
ingham, as described in this Act, and their successors, are corporated.
hereby constituted a town corporation, under the name of
“ The Town of Buckingham. ” Name.

2. The town of Buckingham shall be governed by the Law govern-
“ Cities and Towns’ Act ” except where this Act otherwise ing.
provides.

SECTION II

TRANSITORY PROVISIONS.

3. The act incorporating the “ Corporation of the Town 53 V., c. 74,
of Buckingham ”, 53 Victoria, chapter 74, as amended by the repealed.
acts 57 Victoria, chapters 65 and 69, and 4 Edward VII, chap-
ter 66, is hereby repealed.

4. The present corporation succeeds to all the rights, Rights, &c.,
obligations, claims and actions of the heretofore village and of town.
town of Buckingham, pertaining to it by virtue of its former
charter, and amendments repealed as aforesaid.

5. The present mayor and aldermen, and their successors Mayor, &c.,
in case of vacancy, shall remain in office until replaced under to remain in
the provisions of this act. office.

By-laws, &c., not affected. **6.** All by-laws, resolutions, *proces-verbaux*, notes, accounts for taxes and dues, plans and other municipal acts, privileges or franchises, passed or granted by the heretofore village and now the town of Buckingham, and now in force, shall continue to have full effect until set aside, repealed, annulled or fulfilled.

Obligations, &c., not affected. **7.** All notes, bonds, obligations, undertakings, covenants or contracts, accepted, endorsed or consented by the heretofore village and town of Buckingham, shall continue to have their full effect.

Officers, &c., to remain in office. **8.** The present officers and employees of the town of Buckingham, shall remain in office until dismissed or replaced by the council.

Town separate from Labelle. **9.** The town of Buckingham is and shall remain separate from the county of Labelle for all municipal purposes.

To be separate school municipality. **10.** The town of Buckingham is and shall remain a separate school municipality, the same as were the heretofore village and town of Buckingham.

SECTION III

USE OF BOTH LANGUAGES.

Language for notices. **11.** All by-laws and public notices shall be published in the English and French languages.

Id., in council. In the sessions of the council all persons entitled to be heard may speak in either the French or English language.

Id. for books, &c. The books, registers, and other proceedings of the municipal council may be written in the English language only.

SECTION IV

BOUNDARIES OF THE TOWN.

Boundaries. **12.** The town of Buckingham shall comprise the same territory as heretofore, which is contained within the boundaries hereafter mentioned:

North. To the north, for the first part, on the west side of the river Du Lièvre, by the division line between the fifth and fourth concession of the township of Buckingham, from lot 13B. in the said fifth concession, going towards the east as far as the middle of said river Du Lièvre ; for the second part, from the middle of the said river du Lièvre, going east, as far as the lot 9A. in the said fifth concession, by the division line between the lots 11 A. and 11 C, 10 A, and 10 B. in the said

fifth concession ; for the third part, by a line crossing entirely the lot 9 B. in the said fifth concession, said line being situate at a distance of 760 feet from the division line between the fifth and fourth concession, the whole according to the plan and book of reference for the said township of Buckingham ; to the west, going from north to south, by the lot 8 C. in the said fifth range of said township of Buckingham, for the distance hereabove mentioned of 760 feet, by the lots 8 A., 8 B., and 8 C. in the fourth concession, and by the lots 8 A. and 8 B., in the third concession of said township, the whole according to the official plan and book of reference for the said township of Buckingham ;

To the south, by the division line between the third and ^{South.} the second concession of the said township of Buckingham, going from east to west from lot 8 B. to lot 13 B. of the said third range, the whole according to the official plan and book of reference for the said township of Buckingham.

To the west, going from south to north, by lot 12—59. in the ^{West.} second concession of the said township of Buckingham, by lots 13 B. and 13 A. in the third concession, by lot 13 B. in the fourth concession, and by the middle of the river du Lièvre from the division line between the fourth and fifth concession, to the division line between the lots 11 C. and 11 A. in the fifth concession, the whole according to the official plan and book of reference for said township of Buckingham.

SECTION V

DIVISION OF THE TOWN INTO WARDS AND BOUNDARIES.

13. The town is divided as before into three wards, respectively known and designated as the North Ward, the South Ward, and the West Ward.

The North Ward shall include all that territory of the ^{North ward.} town of Buckingham, lying north of the centre line of St. Joseph street and north of the line dividing lots 462 and 463 projected as far as the middle of the river Du Lièvre, and east of the centre line starting from the last mentioned projected line and proceeding north against the stream of the said river Du Lièvre to the northern boundary of the town ;

The South Ward shall include all that territory of the ^{South ward.} town of Buckingham, lying south of the centre line of St. Joseph street and south of the line dividing lots 462 and 463 projected as far as the middle of the river Du Lièvre, and east of a centre line starting from the last mentioned projected line and proceeding down towards the south with the stream to the southern boundary of the town ;

The West Ward shall include all the territory of the town ^{West ward.}

of Buckingham lying west of the said centre line of the said river Du Lièvre in its course within the limits of the town.

SECTION VI

THE COUNCIL, MAYOR AND ALDERMEN.

R.S.Q., 5300, replaced for town. **14.** Article 5300 of the Revised Statutes, 1909, is replaced for the town by the following :

How composed.

“ **5300.** The municipal council shall be composed of a mayor and of six aldermen, two for each ward, and the seat of each alderman in a ward shall be distinguished by the number 1 or 2, as the case may be.

At the first meeting of the municipal council of the town held in the year 1912, or at any adjournment thereof, the council shall, by resolution, assign to each alderman the number by which his seat is to be distinguished.

At any subsequent election of aldermen for any ward, the seat for such ward for which each candidate is nominated shall be stated in his nomination paper.”

Id., 5360a, added.

15. The following is added for the town after article 5630 of the Revised Statutes, 1909:

Outside valuers.

“ **5360a.** The council may also, in the same manner, when it thinks necessary, appoint as valuers experts residing outside the municipality. ”

Term of office of present mayor, &c.

16. The present mayor and aldermen shall remain in office, until the third of January 1912, the date of the next election.

SECTION VII

PERSONS QUALIFIED FOR MUNICIPAL OFFICE.

Id., 5364, replaced for town.

17. Article 5364 of the Revised Statutes, 1909, is replaced for the town by the following :

Property qualification of mayor and aldermen.

“ **5364.** No person shall be either nominated for the office of mayor or alderman, or be elected to or occupy such office, unless he, during the twelve months immediately preceding the day of his nomination, has been seized of and has possessed in the municipality, in his own name or that of his wife, immoveable property of the value of one thousand dollars, for the mayor, and five hundred dollars for the aldermen, after payment or deduction of all charges imposed thereon ; the qualification prescribed by this article to be established by the valuation roll in force at the date of the nomination.”

SECTION VIII

LISTS OF ELECTORS.

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

Id., 5374, re-
placed for
town.

“ 5374. Prior to the first day of November 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 of the municipality, and qualified to be entered on the electors’ list. ”

When elect-
ors’ lists to
be prepared.

19. The second paragraph of article 5376 of the Revised Statutes, 1909, is replaced for the town by the following :

Id., 5376, am.
for town.

“ During the month of October, any rate-payer may, under proper safe-guard, 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 sworn statement, specifying the name and alleging the causes of disqualification ; and in such case, the clerk shall make a careful inquiry respecting the truth of such allegations, before permitting any name thus objected to, to remain on the list when he certifies it. ”

Examination
of lists.

20. Article 5383 of the Revised Statutes, 1909, is replaced for the town by the following :

Id., 5383, re-
placed for
town.

“ 5383. If on the third day of November the clerk has not made the alphabetical list of electors, or has not given or published the notice required by article 5379, the judge of the Superior Court for the district, or, in the event of the absence of the district judge, or of his inability to act, a judge of the neighbouring district or the district magistrate, on summary petition of any person entitled to be entered as an elector in the municipality, shall appoint a special clerk to prepare the alphabetical list of electors. ”

Appointment
of special
clerk to make
list in default
of clerk.

21. Article 5395 of the Revised Statutes, 1909, is replaced for the town by the following :

Id., 5395, re-
placed for
town.

“ 5395. The list of electors shall come into force at the expiration of the thirty days following the expiration of the delay prescribed for its preparation under the provisions of this act, or, if the list has been prepared after the expiration of the said delay, within the thirty days after the notice given that said list is prepared and deposited in the office of the clerk, and it shall remain in force until a new list is made under the authority of this act. ”

Coming into
force of list.

List in force, Notwithstanding the appeal to a judge of the Superior Court or the district magistrate, touching a portion of the list, such portion shall remain in force until the final decision of the court before which such petition in appeal is pending.”

SECTION IX.

ELECTIONS.

Id., 5413, re- **22.** Article 5413 of the Revised Statutes, 1909, is replaced for the town by the following :

Municipal elections. “ **5413.** The general election for the mayor and aldermen shall be held every two years on the third day of January, or on the first following juridical day, if such day is not a juridical day.

First elec- The first general election under the provisions of this act, shall be held on the third day of January following its coming into force, or on the first following juridical day, if such day is not a juridical day.”

Id., 5415, re- **23.** Article 5415 of the Revised Statutes, 1909, is replaced for the town by the following :

Election clerk. “ **5415.** Ten days at least before the twenty-sixth day of December preceding the next and all subsequent elections 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. ”

Id., 5419, re- **24.** Article 5419 of the Revised Statutes, 1909, is replaced for the town by the following :

Notice of election to be given by re- “ **5419.** Eight days at least before the twenty-sixth day of December preceding an election, the returning-officer shall give public notice in the form G. under his signature setting forth :

(a) The day, the place and time fixed for the nomination of candidates ;

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

(c) The appointment of the election clerk.

SECTION X

NOMINATION OF CANDIDATES.

Id., 5421, re- **25.** Article 5421 of the Revised Statutes, 1909, is replaced for the town by the following :

“ **5421.** The nomination of candidates at all general elections held under the provisions of this act, shall be held on the twenty-sixth day of December, 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.” When nomination to be held.

26. Articles 5423 and 5425 of the Revised Statutes, 1909, shall not apply to the town. Id., 5423, 5425, not to apply.

27. The first paragraph of article 5429 of the Revised Statutes, 1909, is replaced for the town by the following : Id., 5429, am. for town.

“ **5429.** No nomination paper shall be valid nor be given effect to by the returning officer, unless it be made and delivered in conformity with the formalities prescribed by articles 5422, 5424, 5426 and 5428 of the Revised Statutes, 1909.” Validity of nomination papers.

28. Articles 5553, 5554, and 5555 of the Revised Statutes, 1909, shall not apply to the town. Id., 5553 to 5555, not to apply.

SECTION XI

SESSIONS OF THE COUNCIL.

29. Article 5556 of the Revised Statutes, 1909, is replaced for the town by the following : Id., 5556, replaced for town.

“ **5556.** The council shall sit at the town hall, or at such other place within the limits of the municipality which it may fix and change by resolution when and in the manner it thinks fit.” Where sessions are held.

30. Article 5557 of the Revised Statutes, 1909, is replaced for the town by the following : Id., 5557, replaced for town.

“ **5557.** The council shall meet at least once a month, in general or ordinary session, to despatch the business of the municipality, and shall hold its meetings on the days or at the hours which it determines by by-law.” When meetings of council are held.

31. The following article is inserted after article 5564 of the Revised Statutes, 1909 : Id., 5564a, added.

5564a. Two members of the council may, when there is no quorum, adjourn any session to a subsequent day half an hour after the default of quorum has been ascertained. Adjournment for want of quorum.

A special notice of such adjournment must be given by the clerk to the members of the council who were not present at the time of the adjournment, in the manner provided for notice of special meetings. Notice thereof.

Entry in
minute book.

The hour of the adjournment, the names of the members then present, the day and hour at which such meeting has been adjourned, shall be entered in the minute book of the council."

SECTION XII

POWERS OF THE COUNCIL.

Id., 5638, am.
for town.

32. Paragraphs 1 and 13 of article 5638 of the Revised Statutes, 1909, are replaced for the town by the following :

*Regulation
of buildings,
&c.

"1. To regulate the height of all buildings, chimneys, stacks and other structures ; to prevent the construction or maintenance of the buildings, walls, chimneys, stacks and other structures, as are not of the required stability and to provide for their summary abatement or destruction ; to prescribe the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus ; to regulate the architecture, dimensions and symmetry of buildings, determine the materials which shall be used therefor in certain streets, and to prohibit in certain streets the construction of certain buildings ; to prohibit the construction of certain classes of buildings, or of all the buildings unless at a determined distance from the line of the street, in all the streets or in certain streets ; to compel the proprietors to submit the plan, or any other designation found sufficient, of any building or construction, and to previously obtain a certificate in writing from the building inspector or other officer named by the council, and to obtain from the council a permit of construction, and to prescribe the manner to ask and obtain such permit, and to determine the amount of fee which shall be paid for the granting of such permit ; to prohibit the construction of buildings or structures not conforming to the by-laws, and to direct the suspension of the erection of such buildings, and to cause the demolition of any building not conforming to such by-laws if necessary ; to compel the proprietors to furnish the council with a sworn declaration, within a specified time, of the costs of any new building or construction, and of the additions and improvements done to those already existing ; "

Licensing of
dogs, &c.

"13. To license and regulate the keeping of dogs ; to compel persons keeping dogs to put on every dog's neck a collar and the number of the licence ; to have dogs muzzled ; to authorize the summary destruction or the sale for the

benefit of the town of all dogs found running at large or not having the number of their licence on their necks ; to authorize or order the destruction of any dog sick with hydrophobia or other sickness dangerous for the public, and to order the keeping in a particular manner of all dogs in case of epidemic sickness amongst them. ”

33. Paragraph 4 of article 5685 of the Revised Statutes, Id., 5685, am. 1909, is replaced for the town by the following: for town.

“ 4. To aid the construction of any bridge, causeway, pier, wharf, macadamized or paved road, railway or other public works, or to aid and promote any industrial, manufacturing or power establishment situated in whole or in part within the municipality, or in its vicinity, undertaken and built by any incorporated company, or by the provincial Government, or by any syndicate or person owning or operating water power or water powers within or outside the limits of the municipality, provided such companies, syndicates or persons, transmit or undertake to transmit electric or other motive power to points within the municipality, the whole subject to the conditions which may be stipulated by the council and to the provisions of articles 5929, 5930 and 5931 of the Revised Statutes, 1909 : Building of bridges, &c.

a. By taking and subscribing shares in any company formed or existing for such purpose ;

b. By giving or lending money or securities, or by giving the ownership or enjoyment of any immoveable property to such company, or the provincial Government or to such syndicate or person ;

c. By guaranteeing by endorsation or otherwise any sum of money borrowed by such company, syndicate or person ;

d. By exempting such company, syndicate or person from the payment of municipal taxes, assessments and dues, for a period not exceeding twenty years, according to the provisions of articles 5922 and 5923, and any railway company or companies having a station or stations within the municipality, in accordance with the provisions of articles 5924, 5925 and 5926.

SECTION XIII

TAXES AND LICENCES.

34. Article 5726 of the Revised Statutes, 1909, is replaced for the town by the following : Id., 5726, replaced for town.

“ **5726.** Taxes shall bear interest at the rate of six per cent per annum, from maturity, without its being necessary for such purpose that a special demand for payment be made. Taxes to bear interest.

Taxes, &c., cannot be re-mitted. Discount for prompt payment. Subject to article 5775 neither the municipal council nor its officers can remit any taxes or the interest thereon. The council may however, by resolution, grant a discount of no more than seven per cent per annum, on the amount of any taxes or dues paid within a certain specified delay. "

Id., 5733, replaced for town. **35.** Article 5733 of the Revised Statutes, 1909, is replaced for the town by the following :

Tax on stallions, &c. " **5733.** The council may impose and levy an annual tax to be fixed by by-law, on every stallion kept for breeding, on every horse aged three years and over, on every bull kept for breeding, on every other head of cattle over three years of age, on every dog or bitch, and said tax may be different for dogs and bitches, on every vehicle other than automobiles, kept in the municipality. "

Id., 5734, am. for town. **36.** Article 5734 of the Revised Statutes, 1909, is amended for the town by adding the following:

Lists to be supplied by employers, &c. " It shall be the duty of every person or company employing men in the municipality, when requested to do so, to furnish the council with a list of the men working for them in the municipality at the date of such request, under a penalty of no more than twenty dollars for refusal to comply with such request. "

Id., 5738, replaced for town. **37.** Article 5738 of the Revised Statutes, 1909, is replaced for the town by the following :

Taxes payable annually at time fixed by by-laws. " **5738.** Every tax, licence or permit imposed or granted under the provisions of the present act, shall be payable and shall expire annually at the dates fixed by the by-laws, and the amount may be exacted entirely for any fraction of year. "

Id., 5750, replaced for town. **38.** Article 5750 of the Revised Statutes, 1909, is replaced for the town by the following :

Demand of payment. " **5750.** After such twenty days, the treasurer or any other person duly authorized by the council to that effect, shall make a demand of payment of all sums entered in the collection roll and remaining uncollected, from the persons liable for the same, by serving or causing to be served upon them personally or at their domicile, a special notice to that effect, accompanied by a detailed statement of the sums due by them.

Statement of account. The council may if it finds it necessary, order by resolution the service in the same manner of a second notice to the persons hereabove mentioned.

Second notice. The fee for the service of such notices shall be of twenty-five cents, until another amount is fixed by the council. "

Fee.

SECTION XIV

LOANS.

39. Article 5779 of the Revised Statutes, 1909, is replaced for the town by the following : Id., 5779, replaced for town.

“**5779.** The council may contract its loans by an issue of bonds, obligations or debentures signed by the mayor and countersigned by the clerk and bearing the seal of the corporation. Issue of debentures.”

Such bonds, obligations or debentures shall be made payable to the bearer, at the periods fixed by the council with interest not exceeding the legal rate payable half yearly, and may, until finally disposed of, be pledged as security, if the market be not deemed favorable, without their validity being affected thereby.” How payable.

“**5779a.** The town shall have the right, when its sinking fund amounts to two thousand dollars and over, to re-purchase from the holders at market price, any of its bonds that are on the market for sale and to advertise for such purpose.” Re-purchase of debentures.

SECTION XV

EXPROPRIATIONS.

40. The following article is inserted for the town after article 5797 of the Revised Statutes, 1909 : Id., 5797a, added for town.

“**5797a.** 1. Before proceeding the arbitrators shall make oath to faithfully and impartially perform the duties of their office, before the clerk of the town who shall keep such oath in the archives of the council. Oath of arbitrators.”

2. The arbitrators may appoint a secretary whose emoluments shall be fixed by them and shall form part of the costs of the arbitration ; the duty of said secretary is to take note in writing of all the deliberations and of the proof made by the parties in the cause before the arbitrators, and to perform any other act which they may order him to perform.” Secretary of arbitrators.

SECTION XVI

RECOVERY OF PENALTIES.

41. Article 5801 of the Revised Statutes, 1909, is replaced for the town by the following : Id., 5801, replaced for town.

“**5801.** Penalties imposed by the by-laws of the council or by the provisions of the present act, or of the charter shall be recoverable before the district magistrate, before the recorder, or before any justice of the peace of the district of Court before which suits are to be brought.”

Ottawa, or by an action for debt before the Circuit Court for the district or county of Ottawa.”

Id., 5808, re-
placed for
town. **42.** Article 5808 of the Revised Statutes, 1909, is replaced for the town by the following :

Procedure. **“5808.** Prosecutions or actions brought in virtue of this act before the Circuit Court, are heard and decided according to the rules and proceedings of said court, and if they are brought before the district magistrate, the recorder, or a justice of the peace according to the rules contained in part XV of the Criminal Code, except in so far so as the same are inconsistent with the provisions of the present act.”

SECTION XVII

COMING INTO FORCE.

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

C H A P . 6 7

An act to incorporate the town of Baie D'Urfée

[Assented to 14th March, 1911]

Preamble.

WHEREAS James Morgan, merchant ; G. Edward Gudewill, manufacturer; Honorable J. Alderic Ouimet, a former judge; Alfred Brunet, ex-banker; James Birchenough, real estate agent ; St. George Dillon, merchant ; David A Poe, engineer, all of the city and district of Montreal; Edward Maxwell, architect ; William E. Davis, railway manager ; Pascal Deslauriers, real estate agent ; Olibrius Constantineau, manufacturer ; V. de Vivian Dowker, manufacturer ; the latter five of the parish of Ste. Anne du Bout de l'Île, in the district of Montreal, and other rate-payers of the municipality of the parish of Ste. Anne du Bout de l'Île, in the county of Jacques-Cartier, comprising the majority of the rate-payers and inhabitants of the territory described in section 1 of this act, have, by petition, prayed that the said territory be detached from the municipality of the parish of Ste. Anne du Bout de l'Île and be erected into a town municipality governed by the Cities and Town's Act, under the name of “The Town of Baie D'Urfée;”

Whereas, for the better administration of the said territory and the greater advantage of its inhabitants, it is expedient to grant the prayer contained in the said petition ;