

“ Are you in favour of the election of the mayor by the people and of the secret ballot at municipal elections ? ”

The voting shall take place on the days fixed by the council <sup>Date of voting, &c.</sup> by resolution, and the council shall give previous notice thereof by a public notice according to the provisions of its charter ; and for such purpose a poll shall be opened in accordance with the Cities and Towns' Act in each of the six polling divisions of the electoral district, and the voting shall be held only on one day.

The electors entered on the list in force at the time of the <sup>Who may</sup> voting, shall be admitted to vote without paying their <sup>vote.</sup> municipal and school taxes.

When the voting has closed the presiding officer shall count <sup>Return of</sup> the “ Yeas ” and the “ Nays ” and shall within four days <sup>election, &c.</sup> submit the result of the voting to the council in a report, to which the poll book and all other documents relating to the voting shall be annexed.

If the majority of votes given on the question be in the <sup>Act to come</sup> affirmative, this act shall come into force, and in such case the <sup>into force in</sup> election of the mayor and of the aldermen shall in future take <sup>certain event.</sup> place under this act and in accordance with the Cities and Towns' Act.

If the majority of votes given on the question be in the <sup>Otherwise</sup> negative, this act shall be deemed to be of no effect and to be <sup>not.</sup> null.

## CHAP. 56

An Act to consolidate the charter of the town of Fraserville

[Assented to 4th June, 1910]

**W**HEREAS the town of Fraserville has, by its petition, re-<sup>Preamble.</sup> presented that it has become expedient to consolidate the charter of the said town, and to add further provisions to the same;

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

**1.** This act shall be cited as: “ The charter of the city of <sup>Short title.</sup> Fraserville.”

The provisions of the said act shall not prejudiciously affect <sup>Acquired</sup> acquired rights. <sup>rights.</sup>

**2.** The inhabitants and rate-payers of the former town of <sup>Persons in-</sup> Fraserville, and their successors shall be and remain a cor-<sup>corporated.</sup>

Name. poration and body politic under the name of "The City of Fraserville."

City separate from county of Témiscouata. **3.** The city of Fraserville is and shall remain separate from the county of Témiscouata for municipal purposes.

Cities and Towns' Act to apply. **4.** The city of Fraserville shall hereafter be subject to the provisions of The Cities and Towns' Act, (articles 5256 to 5884 of the Revised Statutes, 1909,) except in so far as they may be inconsistent with the provisions of this act.

Repeals. The charter of the town of Fraserville, 3 Edward VII, chapter 69, and the acts amending the same, are repealed.

Rights, &c., transmitted. **5.** The corporation hereby constituted succeeds to the rights, privileges, obligations, property, claims and suits of the corporation existing under the acts repealed by the foregoing section.

Mayor, &c., to remain in office. **6.** The present mayor and aldermen of the town of Fraserville, or their substitutes in the event of a vacancy, shall remain in office until replaced under the provisions of this act.

Officers, &c., to remain in office. **7.** The present municipal officers and employees of the town shall remain in office until their resignation, removal, or replacement by the council.

By-laws, &c., not affected. **8.** All by-laws, resolutions, *procès-verbaux*, rolls, accounts for taxes and dues, orders, plans and other municipal acts and documents whatsoever passed or consented to by the council of the town of Fraserville and now legally in force, shall continue to have their full effect until set aside, amended, repealed or fulfilled.

Contracts, &c., not affected. **9.** All notes, bonds, debentures, engagements, covenants or contracts subscribed, accepted, endorsed or consented to by the town of Fraserville, before the coming into force of this act, shall continue to have their legal effect.

Boundaries. **10.** The city of Fraserville, situated in the county of Témiscouata in the district of Kamouraska in the Province of Quebec, shall be bounded as follows :

On the northwest by the river St. Lawrence; on the southwest by the division line between Nelson Caron's land and lots Nos. 218, 220, 221 and 222 of the official cadastre of the city of Fraserville, starting from the river St. Lawrence and following a southeasterly direction to the front line between the first and second ranges of the parish of St. Patrice de la Rivière-du-Loup; on the southeast by the front line between the first

and second ranges of the said parish, starting from Nelson Caron's land following a northeasterly direction to the division line of lots Nos 209-8, 618 and 619 of the cadastre of the city of Fraserville and Placide Thériault's land; thence following such division line between lots Nos. 209-8, 618 and 619 and Placide Therriault's land, running in a southeasterly direction 100 feet, English measure, south of the lot occupied by the Intercolonial Railway; thence following a northeasterly direction to the northeastern boundary of the seigniorial domain of the estate of Wm. Fraser, 5,376 feet English measure south of the front line between the first and second ranges of the said domain; on the northeast by the northeastern boundary of the seigniorial domain starting from the line situated 5,376 feet to the south of the front line between the first and second ranges, following a northwesterly direction to the land of Mr. Jules Viel, being No. 19 of the cadastre of the city of Fraserville; thence by the division line between the land of the said Mr. Jules Viel and the lots of the second range of the village of St. Antoine in the parish of St. Patrice de la Rivière-du-Loup, following a northeasterly direction to Arthur Pelletier's farm; thence by the line bounding the east side of lots Nos 19, 14, 10, 8-1, 8 and 7 of the cadastre of the city of Fraserville, following a northwesterly direction to the front line of the first range called l'Anse au Persil range, in the parish of St. Patrice de la Rivière-du-Loup; thence by the said front line following a southwesterly direction to Philadelphie Picard's land; thence by the division line of lots Nos 5, 4, 3, 1-B of the cadastre of the city of Fraserville and the lands of Fabien Plourde, following a northwesterly direction to the river St. Lawrence.

The Federal Government wharf shall be included in the limits of the city. Wharf included.

**11.** The city of Fraserville is divided into three wards, called: North ward, Centre ward, South ward, as defined by the by-laws in force. Wards.

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

“**5300.** The municipal council shall be composed of a mayor and two aldermen per ward, elected in the manner hereinafter prescribed. Council how composed.”

Every alderman shall reside in the ward which he represents in the city council. Residence of aldermen.”

**13.** The second paragraph of article 5301 of the Revised Statutes, 1909, shall not apply to the city. Id., 5301, 2nd par. not to apply.

- R.S.Q., 5317, replaced for city. **14.** Article 5317 of the Revised Statutes, 1909, is replaced, for the city, by the following :
- Services to be gratuitous. **“ 5317.** The mayor and aldermen shall not receive any salary, benefit or indemnity, in any form whatsoever, for their services.
- Salaries in certain cases. The council may, however, by by-law approved by the majority of the municipal electors in the ordinary manner, enact that a yearly remuneration in money shall be allowed to the mayor of the city, of not more than one thousand dollars, and to each alderman of the city a yearly remuneration of not more than five hundred dollars.”
- Id., 5553,-5555 not to apply. **15.** Articles 5553, 5554 and 5555 of the Revised Statutes, 1909, shall not apply to the city.
- Id., 5557, replaced for city. **16.** Article 5557 of the Revised Statutes, 1909, is replaced for the city by the following :
- When meetings of council held. **“ 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 sessions on the days and at the hours which it determines by by-law. ”
- Id., 5638, am. for city. **17.** The following sub-paragraph is added, for the city, after sub-paragraph *k* of paragraph 16 of article 5638 of the Revised Statutes, 1909 :
- Service of notice, &c., by constables. **“ l.** The constables or police officers shall have power and authority to serve all special notices and to publish all public notices in accordance with the various provisions of this act; they shall certify to the accuracy of the same under their oath of office without being obliged to take a special oath to that effect.”
- Id., 5665a added for city. **18.** The following article is added for the city to the Revised Statutes, 1909 :
- Drainage into river. **“ 5665a.** The city council upon a report of the city engineer, that it is practically impossible, owing to the configuration of certain parts of the city, to empty the sewers thereof elsewhere than into the Rivière du Loup, may empty the said sewers or permit them to be emptied into any place in the said river fixed by the said engineer and approved by the city council and by the Board of Health of the Province ”
- Id., 5666, replaced for city. **19.** Article 5666 of the Revised Statutes, 1909, is replaced, for the city, by the following :
- Lighting of municipality, &c. **“ 5666.** The council may make, amend and repeal by-laws providing for the lighting of the municipality by means of gas, electric or other light furnished by any company, firm

or person, and the corporation may become a party to any contract to that effect.

The council may also make, amend and repeal by-laws to compel owners or occupants of all lands, water-courses, rivers, lakes, properties or rights whatsoever within the city or outside the city or in the adjoining municipalities, to allow the works required for the construction, repairing and maintenance of the system of electric light to be done upon their said property subject to compensation for damages, if any, caused to the said proprietors or occupants. Doing of certain works on private property.

The council may, for such purpose, expropriate within the city or outside the city, or in the adjoining municipalities all lands, water-courses, rivers, lakes, properties or rights whatsoever required for such purpose subject to compensation for damages, if any, caused to the said proprietors or occupants. In all cases the expropriation shall be made in accordance with the Cities' and Towns' Act." Expropriation therefor.

**20.** Article 5732 of the Revised Statutes, 1909, is replaced for the city, by the following : Id., 5732, replaced for city.

“ **5732.** The council may, impose and levy annually : Council may

1. 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 storehouses ; 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 per cent on the estimated average value of such stock in trade or other articles of commerce. levy annually a tax: On stocks in trade ;

2. On all tenants paying rent in the municipality, an annual tax not exceeding eight cents in the dollar on the amount of their rent. On tenants;

Every person occupying property or part of any property of which he is neither the owner nor the lessee, shall be liable for the payment of the tax to which this paragraph applies." On occupants.

**21.** Article 5783 of the Revised Statutes, 1909, is replaced for the city, by the following : Id., 5783 replaced for city.

“ **5783.** Whenever the total debt of a municipality amounts to twenty per cent of the valuation of the taxable immovable property in the municipality according to the valuation roll then in force, no further loan can be contracted, nor can any further indebtedness be incurred which would have the same effect upon the revenues of a municipality that such loan would have, unless the by-law is approved by the majority in number and value of the proprietors who are municipal electors and who have voted thereon, and by the Lieutenant-Governor in Council." Approval required for loans if debt amounts to certain percentage of taxable property.

- Closing of streets. **22.** The city shall have the right to close any street or part of street or public park, provided always that if anybody suffers damage, he shall receive compensation therefor, to be established by arbitration. In such case, the arbitration shall be in accordance with the provisions of articles 5790 and following of the Revised Statutes 1909,
- Compensation. Arbitration.
- Reversion of closed streets, &c. The city may declare that the land of such street or part of street or public park, so closed or abolished, shall revert to the person entitled to the same.
- Id., 5829 am. for city. **23.** The following paragraph is added, for the city, to article 5829 of the Revised Statutes, 1909 :
- Suits for penalties re electric lighting. " 5. Every suit taken to recover a penalty or a sum of money due to the municipality under by-laws or contracts respecting the operation, administration or maintenance of the municipal system of electric light.
- Loan for certain purpose. By-law. **24.** The city may borrow to rebuild the municipal building containing the city hall and the city theatre, a sum of not more than \$40,000, upon by-law passed by the council and ratified by the majority in number and in value of the municipal electors in the ordinary manner. The said by-law shall be valid and shall remain in force without the sanction of the Lieutenant-Governor in Council.
- Coming into force. **25.** This act shall come into force on the day of its sanction.

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## CHAP. 57

An Act to revise and consolidate the charter of the town of Nicolet

[Assented to 4th June, 1910]

Preamble. **W**HEREAS the town of Nicolet has by petition represented that the provisions of its charter, the act 36 Victoria, chapter 52 and its amendments, no longer meet the needs of the inhabitants nor the business requirements of the locality and that it is in the interest of the proper administration of its affairs that the said act be replaced by a new charter subjecting the town to the Cities and Towns' Act, and conferring certain additional powers upon it;

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

Therefore, His Majesty, with the advice and consent of the