

Closing of  
streets.

Compensa-  
tion.

Arbitration.

Reversion of  
closed  
streets, &c.

**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,

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 pen-  
alties re elec-  
tric 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 cer-  
tain 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.

## 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

Legislative Council and of the Legislative Assembly of Quebec,  
enacts as follows :

1. The inhabitants and ratepayers of the town of Nicolet, Persons in- and their successors, are and shall remain a corporation under the name of the "town of Nicolet." incorporated. Name.
2. The town is and shall remain separated from the county Town sepa- of Nicolet for municipal purposes. rate from county of Nicolet.
3. The town is subject to the operation of chapter first of Cities and title eleventh of the Revised Statutes, 1909, (articles 5256 to 5884) and its amendments, except in so far as the same may be inconsistent with the provisions of this act. Towns' act to supply.
4. The act 36 Victoria, chapter 52 and the acts amending 36 V., c. 52, &c. repealed. the same are hereby repealed.
5. The corporation hereby constituted succeeds to the Transmission rights, privileges, obligations, property, claims and suits of of rights, the corporation existing under the acts repealed by section 4. obligations, &c.
6. The present mayor and aldermen of the town of Nicolet, Mayor, &c., or their substitutes in case of vacancy, shall remain in office until replaced under the provisions of this act. to remain in office.
7. The present municipal officers and employees of the town Officers, &c., of Nicolet shall remain in office until removed or replaced by the council. to remain in office.
8. The by-laws, resolutions, *procès-verbaux*, rolls, accounts By-laws, &c., for taxes and dues, orders, plans and other municipal acts and documents whatsoever, passed or agreed to by the council of the town of Nicolet, and now legally in force, shall continue to have their full effect until cancelled, amended, repealed or fulfilled. not affected.
9. The notes, bonds, debentures, engagements, covenants Contracts, or contracts, subscribed, accepted, endorsed or consented to by the town of Nicolet until the coming into force of this act shall continue to have their legal effect. &c., not affected.

10. The town of Nicolet shall comprise the following ter- Boundaries: ritory, bounded as follows, to wit :

On the north by the lot known and designated on the official plan and book of reference of the cadastre of the county of Nicolet for the parish of St. Jean-Baptiste de Nicolet, under No. 375 ;

On the south by a lot of land known and designated on the said cadastral plan under the No. 170 ;

On the southwest by the middle of the Nicolet river, and on the northeast by a line running north and the northern extremity whereof is 30 arpents and a half from the middle of the said river Nicolet and the southern extremity whereof is 22 arpents northeast of the middle of the said Nicolet river.

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

Council how composed.

**11.** 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 six aldermen.”

Id., 5301 replaced for town.

Term of office of mayor.

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

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

Id., 5302 replaced for town.

Term of office of alderman.

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

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

R.S.Q., 5413 replaced for town.

Date of first election.

**14.** Article 5413 of the Revised Statutes, 1909, is replaced, for the town, by the following :

“ **5413.** The first election in virtue of the provisions of this act shall be held on the first juridical day of February, 1911.

Date of nomination.

The nomination for such election shall take place on the 20th January, 1911, or the following juridical day, if such day be a non-juridical day.

Of the six aldermen elected at such election :

Replacing of three aldermen.

Of the three others.

Three elected yearly.

First three retiring to be chosen by lot.

Who to draw lots if

1. Three shall be replaced at the following general election that is to say on the first juridical day of February, 1912.

2. And the three others at the general municipal election, of February, 1913.

And so on in such manner that three aldermen shall be elected every year. The aldermen who are to go out of office on the first juridical day of February, 1912, shall be chosen among the aldermen originally elected, at the regular sitting of the council held in the month of January, 1912, by lot, in such manner as may be determined by the council.

Should the council neglect to proceed to such drawing of lots, the officer presiding at the election shall proceed to do the

same publicly on the day of the nomination of the aldermen, council neglected immediately after the opening of the meeting.

The subsequent elections shall take place every year on the first juridical day of February in accordance with the provisions of the Cities and Towns' Act. Subsequent elections.

The election of the mayor shall take place on the same date every second year." Election of mayor.

**15.** Article 5422 of the Revised Statutes, 1909, is replaced, Id., 5422 replaced for the town, by the following :

" **5422.** 1. Ten electors qualified to vote and whose names are entered on the list of electors in force in the municipality, may nominate a candidate for the office of mayor or for that of alderman, by signing in either case a nomination paper in the form H, stating thereon the names and surnames, residence and profession or occupation of the candidate nominated in such manner as sufficiently to identify such candidate, and by delivering the said nomination paper to the returning-officer on the day and at the hour and place indicated in the notice of the returning officer published in accordance with article 5419, or causing the same to be delivered to the returning-officer as hereinafter mentioned. Who may nominate candidates and form of nomination paper.

2. The mark affixed upon the nomination paper by any elector unable to write, shall be deemed to be the signature required, within the meaning of this act. Mark by those who cannot write.

3. Such nomination papers may also be filed with the returning officer at any other place, and at any time between the day of the notice of the returning-officer published in conformity with article 5419 and the day of nomination, with the same effect as if produced at the time and place fixed for the nomination ; and, at the close of the time for nominating the candidates, the returning-officer shall deliver to every candidate or agent of a candidate applying therefor, a duly certified list of the names of the several candidates who have been nominated ; and any votes given at the election for any other candidates than those so nominated shall be null and void." Filing at other places and times.

**16.** Article 5437 of the Revised Statutes, 1909, is replaced, Id., 5437 replaced for the town, by the following :

" **5437.** The returning-officer shall establish a poll in each voting subdivision ; Polls in subdivisions.

The voting sub-divisions for municipal elections shall be the same as those for the election of the members of the Legislative Assembly of Quebec." Boundaries in subdivisions.

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

" **5556.** The council shall sit in the town hall or in any Where ses-

sions are held.

other place fixed to that effect by resolution of the council, either temporarily or permanently within the limits of the municipality."

Id., 5557 replaced for town.  
When meeting of council held.

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

" **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."

By-laws, how quashed.

**19.** The quashing of municipal by-laws shall be applied for and obtained, if necessary, according to the procedure prescribed in articles 5623 to 5634 inclusively of the Revised Statutes, 1909.

County Circuit Court of Nicolet alone competent.

Nevertheless the said articles are specially derogated from in so far that the cognizance and decision of the application shall rest exclusively with the Circuit Court of the county of Nicolet.

Also alone competent in some other cases.

The Circuit Court of the county of Nicolet alone shall likewise be competent to take cognizance of and decide upon applications made under articles 5401 to 5410 inclusive, 5489 and 5490, 5533 to 5552 inclusive and 5715 of the Revised Statutes, 1909.

Id., 5591, replaced for town.  
Setting aside of *procès-verbaux*, &c.

**20.** Article 5591 of the Revised Statutes, 1909, is replaced, for the town, by the following :

" **5591.** Any *procès-verbal*, roll, resolution or other order of the council, may be set aside exclusively by the Circuit Court of the county of Nicolet, by reason of illegality, in the same manner, within the same delay, and with the same effect as a by-law of the council, and shall be subject to the provisions of articles 5603 and 5633."

Id., 5638 am. for town.

**21.** Paragraph 13 of article 5638 of the Revised Statutes, 1909, is replaced, for the town, by the following :

Licenses, &c., re dogs, &c.

" 13. To license and regulate persons keeping dogs, and compel them to obtain a license from the town for each dog, and compel them to put a collar on each dog, with the number of the license; to muzzle dogs; to prevent them from running at large, and to authorize their summary destruction, or the sale thereof for the benefit of the town of dogs found running at large and of those that have not the number of their license on their collars."

Id., 5639 am. for town.

**22.** The following paragraph is added, for the town, after paragraph 15 of article 5639 of the Revised Statutes, 1909 :

Building of stables, &c.

" 15a. To prevent the building of stables, sheds, privies or other similar buildings on any lot in the town at a distance

of not less than twenty feet from the street, and to compensate the proprietors for removing existing buildings if they are not at that distance."

**23.** Paragraph 26, of article 5639 of the Revised Statutes, 1909, shall not apply to the town. Id., 5639,  
par. 26, not  
to apply.

**24.** The council may, by by-law and at the expense of the corporation subject to the law governing public health : By-laws:

a. Make or repair drains in any street, public square or section determined by the council, regulate the manner of making drains, fix the date at which private drains shall be made, prescribe the manner of making them and the material to be used in making such drains, and the manner in which they shall be joined or connected with the main sewers. Making, &c.,  
drains, &c.

b. Such water-courses, ditches and drains shall be made, maintained and repaired at the expense of the corporation, but it may compel all adjacent municipalities, or the owners of lands situate outside the limits of the town of Nicolet making use of such works, to pay their proportion of the cost of making, repairing and maintaining the said works, according to the area of the land to be drained and in proportion to the advantage to be derived, or exact from such proprietors or municipalities, the payment of an annual rent for the use of the said works ; Made at ex-  
pense of cor-  
poration.  
Contribution  
of others.

c. Compel the proprietors of adjoining municipalities to have their waters running through the town of Nicolet, carried at their expense, to the Nicolet river, by means of closed drains as may be determined by the council. Drainage of  
other muni-  
cipalities.

**25.** Paragraph 19 of article 5641 of the Revised Statutes, 1909, is replaced, for the town, by the following : Id., 5641 am.  
for town.

" 19. To order that the streets and squares be swept, watered and kept clean, at the expense of the town, and that the sidewalks in all the streets or in such streets as the council shall indicate, shall be kept in order, and that snow or ice shall be removed therefrom during the winter by the town, which shall levy the cost of such work upon the owners, occupants or tenants of property situated on such streets in proportion to the frontage of such property. Such allotment shall be made in such manner as the council shall prescribe, and it shall constitute a tax recoverable in the same manner as the ordinary taxes." Sweeping,  
&c., of  
streets, &c.  
Apportion-  
ment of cost.

**26.** The following paragraphs are added, for the town, after article 5641 of the Revised Statutes, 1909 : Id., 5641 am.  
for town.

" 33. To close any street or part of street, or public park Closing  
streets, &c.

and sell the land for the benefit of the town, provided always that if anybody suffers damages thereby, he shall receive compensation determined by arbitration.

Expropriation for opening of streets, &c.

“ 34. When it is necessary to open, widen, or extend, or change existing streets, to expropriate any lands required for any such purpose, in the event of a proprietor not giving the same gratuitously, and when a proprietor gives gratuitously to the town, any land for making or extending a street across his property, to exempt, by resolution, from the assessment necessitated by the opening or extension of such street, wholly or in part, the remainder of his property fronting on the new or extended street.

Moving of houses, &c., along streets.

“ 35. To prohibit the transfer or the removal through the streets of the town, of houses or buildings without a special permit of the council and in consideration of such compensation as the town may exact and of a stipulation respecting damages that may be incurred.

Cutting of ice.

“ 36. To regulate the cutting of ice in the river in front of the town, and within the limits thereof.”

Id., 5655a added for town.

**27.** The following article is inserted, for the town, after article 5665 of the Revised Statutes, 1909 :

Stopping of water supply, &c.

“ **5665a.** The council may stop the supply of water to any person refusing or neglecting to pay the special tax mentioned in article 5651, and the water tax mentioned in article 5653, but this shall not exempt such person from the payment of such taxes nor of the arrears as if the water had been supplied him without interruption.”

Id., 5726 replaced for town.

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

Taxes to bear interest.

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

Taxes cannot be remitted. Discount.

Subject to the provisions of article 5775, neither the municipal council nor its officers can remit any taxes or the interest thereon. The council may, by by-law, fix a discount not exceeding five per cent to be allowed persons paying the amount of the taxes due by them, on or before the day fixed by such by-law.”

Id., 5732 replaced for town.

**29.** Article 5732 of the Revised Statutes, 1909, is replaced, for the town, by the following :

Taxes:

“ **5732.** 1. The council may impose and levy annually :

Stocks in trade, &c.;

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 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.

b. On all tenants paying rent in the municipality, a tax not exceeding eight cents in the dollar on the amount of their rent. Tenant tax.

2. 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 this tax. Who liable.

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

“ **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 horned cattle over two years of age, on every dog and on every vehicle kept in the municipality, including bicycles. This article shall not apply to farmers.” Tax on stallions, &c. Proviso.

**31.** The following article is inserted, for the town, in the Revised Statutes, 1909, after article 5735 : Id., 5735a added for town.

“ **5735a.** The amount of such annual dues or taxes shall be fixed and determined by one or more by-laws of the municipality, and in the discretion of the council. The amount so fixed may be different for each class of business, trade, occupation or profession.” Fixing amount of tax.

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

“ **5736.** Every special tax imposed under article 5735 as well as the tax mentioned in article 5733, may, in the discretion of the council, be imposed and levied in the form of a license ; and thereupon such tax shall be paid annually at such time and under such conditions and restrictions as the council may determine. The persons liable to such taxes need not be mentioned in the valuation or collection roll. Such license may be imposed in addition to the taxes mentioned in article 5732.” Certain taxes in form of license, &c.

**33.** The following article is added, for the town, after article 5736 of the Revised Statutes, 1909 : Id., 5736a added for town.

“ **5736a.** The council may also, by by-law, levy upon any person, firm or company a special annual tax not exceeding twenty-five cents for every wood or metal pole erected or to be Special tax on poles, &c.



erected in the streets of the town, for telegraph or telephone lines, or for the transmission of electricity for light or power purposes."

Id., 5741a, b  
added for  
town.

**34.** The following articles are inserted, for the town, after article 5741 of the Revised Statutes, 1909 :

Tax on wood-  
yards, &c.,  
in certain  
cases.

" **5741a.** The tax or license imposed under article 5735 for keeping a yard or depot for rough or manufactured timber or fire-wood, and for keeping a coal yard or depot, may be required from those keeping such yards or depots, even when they keep them in a single place of business with some other business.

Partial re-  
missions in  
certain cases.

" **5741b.** Every person who, during the fiscal year, carries on any kind of business whatsoever or any occupation rendering him liable to the business tax, shall be bound to pay the same in full unless the council grants him a partial remission on account of the short time remaining to run before the expiration of the fiscal year."

Id., 5780 re-  
placed for  
town.  
Coupons.

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

" **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.

Surrender of  
on payment.

At the time of payment, the coupon 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.

Signatures  
thereon.

The signatures upon such coupons may be lithographed, stamped, printed or engraved."

Id., 5782, re-  
placed for  
town.

**36.** Article 5782 of the Revised Statutes, 1909, is replaced, for the town, by the following :

Loans,  
approval of  
electors re-  
quired.

" **5782.** Loans, whether by the issue of bonds or debentures or otherwise, shall only be made under a by-law of the council to that effect, approved by a majority in number and in real value of the proprietors who are municipal electors, and who have voted.

Except in  
certain cases.

Nevertheless, the town council may borrow, from time to time, for the needs of the corporation and by notes, the various sums of money not exceeding in all, at any time, five thousand dollars, by mere resolution, and without its being necessary to obtain the approval of the municipal electors and of the Lieutenant-Governor in Council, the whole for a period of time not exceeding one year.

Every member of the council who authorizes verbally Liability, or in writing or by his vote or tacitly, a loan for a longer &c., of coun- period than one year by note and on mere resolution, the amount cillors au- whereof alone or added to the amount already borrowed in thorizing ille- gal loans. the same manner and still due by the town, exceeds the said sum of five thousand dollars, shall be personally liable for the amount of the said loan towards the creditor or creditors, and shall thereby be deprived of his right to sit as a member of the council, and cannot be re-elected as a member of the council for a period of two years from such date.

In the case of the last foregoing paragraph, and in such No recourse case only, any person who has so loaned money to the town of borrowers on a note and upon mere resolution, shall have no legal re- against town course against the town for the reimbursement of amounts cases. so loaned, his sole legal recourse to that end being against the member or members of the council who has or who have authorized, consented, signed or contracted the said loan."

**37.** The following article is inserted, for the town, in the Id., 5789a Revised Statutes, 1909, after article 5789 : added for town.

" **5789a.** If the council should decide to build or to procure Loans to build court house. within the limits of the town, a building for the purpose of holding the terms and sittings of the Superior court under the provisions of article 3090, it may, by resolution and without other formality, notwithstanding any provisions to the contrary, effect one or more loans to an amount not exceeding in all ten thousand dollars, solely to provide for the cost of the erection or purchase of the said building, and for the incidental expenses connected therewith."

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

" **5801.** The penalties imposed by the by-laws of the council or by the provisions of the Cities and Towns' Act or of the Penalties how recover- able. charter, shall be recoverable either before a justice of the peace residing in the town, the recorder, if there be one, or by an action for debt before the Circuit Court of the county of Nicolet."

**39.** At least fifteen days before the expiration of each Estimates. fiscal year, the finance committee shall prepare the ordinary estimates for the following fiscal year, and provide :

1. For the interest on the debt and all sinking funds that may be established ;
2. For the salaries of the permanent employees ;
3. For repairs, cost of maintenance and other general ex-

penses of administration and charges on civic revenue including any deficit from any previous year ;

4. For the reserve of fifteen per cent upon the probable revenues for the year to cover the cost of collecting the taxes and all possible losses in their collection, as well as unforeseen expenses such as those connected with judgments, epidemics, fortuitous cases and damages for which the town may be responsible.

Special estimates for current year.

**40.** Before the 1st day of May of each year, the finance committee shall prepare special estimates for the current year and provide for the enlargement or reconstruction of the waterworks or municipal buildings, for the construction of sewers and sidewalks, for the opening, extending or widening of new streets, putting up poles or wires for light and all other improvements of a permanent nature chargeable to the town.

Mention of certain sums in estimates.

**41.** When the new, ordinary or special estimates are prepared, the sums appropriated shall be set forth in the estimates and previous supplementary appropriations which have not been expended during the year.

Submission of estimates to council, &c.

**42.** The ordinary and special estimates shall be submitted for consideration of the council as soon as possible after their being prepared, and, when once approved by the council, the sums appropriated cannot be changed nor applied to any other purposes unless such change be approved by the absolute majority of the members of the council.

Supplementary appropriations.

**43.** At any time after the adoption of the ordinary and special estimates, the council may, upon recommendation of the finance committee or, upon its refusal, of the absolute majority of all its members, vote as supplementary appropriations for purposes of administration and permanent works, all sums available out of the revenues collected from the previous year after all the appropriations voted and all the obligations connected therewith have been provided for.

Report prior to appropriation.

Proviso.

**44.** No expenditure for which no appropriation has been made, shall be authorized by the council unless a favorable report be previously made by the finance committee. Nevertheless, if the finance committee refuses to make such report, or makes an unfavourable report, the council may proceed and authorize such expenditure by a vote of the absolute majority of its members, and not otherwise.

Responsibi-

**45.** Every member of the council who authorizes, verbally,

by writing or by his vote or tacitly, an expenditure of money exceeding the amount previously appropriated or legally put at the disposal of the council, shall be personally liable therefor.

lity of coun-  
cillors au-  
thorizing ille-  
gal expendi-  
ture.

**46.** Every person, firm or company authorized by statute to erect, in the streets or squares of the town, poles to support wires, cables or for any other purpose, shall, before so doing, give notice of its intention to the town and obtain the consent of the council expressed by a resolution, and shall further cause to be pointed out by an officer of the town at what particular spot in any place or square such poles may be erected; and any pole erected without previous authority of the council or without indication, or elsewhere than at the spot indicated, shall be deemed a public nuisance by the town. This section shall not affect acquired rights.

Erection of  
poles.

Notice to  
and consent  
of council,  
&c.

Proviso.

**47.** The council may make, amend or repeal by-laws to permit or prohibit the sale by wholesale or retail of spirituous or alcoholic liquors and the trade of bottler.

Prohibition  
of liquor sell-  
ing, &c.

**48.** For every contract of five hundred dollars and upwards, a tender shall be asked for by the council; it shall also exact such security as it may deem advisable from the tenderers. In every case the security shall not be less than ten per cent.

Tenders and  
security for  
contracts.

**49.** Every proprietor who has his farm or land subdivided, shall send to the secretary-treasurer a copy of the plans of the official sub-division thereof within thirty days from the date at which the same have been deposited in the registry office.

Subdivision  
plans; copies  
to be sent to  
sec.-treas.

**50.** Articles 5283, 5284, 5285, 5370, 5371, 5423, 5553 to 5555, and 5789 of the Revised Statutes, 1909, shall not apply to the town.

Certain ar-  
ticles not to  
apply.

**51.** Form I of the Cities and Town' Act is repealed. Form H shall be used for the town, *mutatis mutandis*, both for the mayor and aldermen.

Certain form  
repealed, &c.

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

Coming into  
force.