

submitted to electors. this act and 527 of this act, shall be submitted for the approval of the electors, proprietors in the town, in accordance with articles 354 to 357."

Art. 555 replaced.

57. Article 555 of the Cities and Towns' Act, 1903, is replaced, for the town, by the following :

Recorder's Court continued.

"**555.** The recorder's court now existing in the town shall continue to exist, and the recorder presiding over the same shall remain in office until replaced in the cases provided for by this act.

Where to sit.

The court shall sit in the town hall or at any other place which may from time to time be fixed by the council for that purpose.

Its seal.

The court has a seal."

Coming into force.

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

CHAP. 72

An act to consolidate the charter of the town of Iberville

[Assented to 14th March, 1907]

Preamble.

WHEREAS the corporation of the town of Iberville has, by its petition, prayed for the consolidation and revision of the act of the late Province of Canada, 22 Victoria, chapter 64, and the acts of the Province of Quebec, 34 Victoria, chapter 40 ; 43-44 Victoria, chapter 63 ; 49-50 Victoria, chapter 48 ; and 55-56 Victoria, chapter 56, respecting the corporation of the town of Iberville ;

Whereas it has also represented that it is necessary that permission be given it to derogate from certain provisions of the Cities and Towns' Act, 1903 ;

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 :

SECTION I

DECLARATORY AND TRANSITORY PROVISIONS

Acts repealed.
Short title,

1. The acts mentioned in the above preamble are replaced by this act.

This act shall be cited as "The Charter of the town of Iberville, 1907".

2. The corporation hereby constituted succeeds to the Corporation rights, privileges, obligations, property, claims and suits of the corporation existing under the acts repealed by section 1 of this act, and this act shall not have the effect of dissolving the corporation of the town of Iberville as it exists at present.

3. The present mayor and councillors of the town of Iberville shall remain in office until replaced under the provisions of this act.

4. The present municipal officers and employees of the town shall remain in office until removed or replaced by the council.

5. All *procès-verbaux* and by-laws governing water-courses and streets, all rolls, accounts for taxes and dues, by-laws, orders, lists, plans, resolutions, ordinances, covenants, undertakings, and all municipal acts whatsoever, passed and executed by the mayor and council of the said town, their predecessors or successors, shall continue to have their full effect until cancelled, amended, repealed resiliated or accomplished.

6. All notes, bonds or debentures, and all securities and obligations whatsoever subscribed, accepted, endorsed, issued or contracted by the said town until the coming into force of this act, shall continue to have their legal effect.

SECTION II

INCORPORATION OF THE TOWN

7. The inhabitants and rate payers of the town of Iberville and their successors, are and shall remain constituted a body corporate and politic under the name of "The Town of Iberville."

8. The town is and shall remain separate from the county of Iberville for municipal purposes.

9. The town shall be subject to the operation of the Cities and Towns' Act, 1903, except where the provisions of the latter are expressly excluded from this act by number.

SECTION III

BOUNDARIES OF THE TOWN

10. The town of Iberville, situate in the county and district of Iberville, is bounded as follows :

On the west by an imaginary line down the middle of the Richelieu river ; on the north by lots numbers sixty-nine, seventy and seventy *a* (Nos. 69, 70 and 70*a*.) of the official cadastre of the parish of St. Athanase ; on the east by the west side of the road of the second concession of the Bleury seigniory ; and on the south by number seventy-one (No. 71) of the official cadastre of the parish of St. Athanase.

- Wards.** **11.** The town of Iberville is divided into three wards respectively called the north ward, the south ward and the centre ward.
- North Ward.** The north ward comprises the whole of the territory of the town from the north side of St. Edmond street, from the imaginary line in the middle of the Richelieu river to the northern and eastern limits of the town.
- South Ward.** The south ward comprises the whole territory of the town from the south side of St. Anne street, from the imaginary line in the middle of the Richelieu river to the southern and eastern limits of the town.
- Centre Ward.** The centre ward comprises the whole of the territory of the town from the north side of Anne street, from the imaginary line in the middle of the Richelieu river to the eastern limits of the town and the south side of St. Edmond street.

SECTION IV

MUNICIPAL COUNCIL

- Municipal council.** **12.** The municipal council of the said town shall consist of seven members, to wit : a mayor and six councillors elected in the manner hereinafter set forth.
- Quorum.** The quorum of the council shall be four members.
- Id., art. 48, replaced.** **13.** Article 48 of the Cities and Towns' Act, 1903, is replaced, for the town, by the following :
- Elections of councillors.** " The councillors shall be elected for two years, in equal numbers for each ward, by the majority of the municipal electors of the municipality who have voted.
- Proviso.** The present order of their re-election shall continue to be observed."

SECTION V

OFFICERS OF THE COUNCIL

- Id., art. 102 replaced.** **14.** Article 102 of the Cities' and Towns' Act, 1903, is replaced for the town by the following :
- Auditors.** " 102. At the first council meeting held after the annual elections, or as soon as possible thereafter, the council shall appoint two auditors, chosen from among the rate payers.

being owners of real estate of the value of at least four hundred dollars, and who are neither members nor officers of the council, and who have no contract, agreement or obligation with or towards it.

The auditors shall be appointed for one year and shall take oath before acting.” Term of office, &c.

15. Article 104 of the Cities and Towns’ Act, 1903, is replaced, for the town, by the following : Id., art. 104 replaced.

“The council shall appoint every year three assessors to value the taxable property, of the town in accordance with the articles of this act. Assessors.”

Such assessors hold office till their successors are appointed. Term of office.

The remuneration of such assessors is fixed, from time to time, by the council, and it designates which of the assessors shall act as chairman of the board. cc. Remuneration.

No person can be appointed assessor nor act as such, unless he possesses as proprietor real estate of the value of at least five hundred dollars after deducting all just debts.” Qualifications.

SECTION VI

PERSONS DISQUALIFIED FOR MUNICIPAL OFFICES

16. Article 108 of the Cities and Towns’ Act, 1903, is replaced, for the town, by the following : Id., art. 108 replaced.

“No person can be elected mayor or councillor of the town of Iberville, unless he has been a resident householder in the town during the year immediately preceding the election ; unless he is proprietor, either in his own name or in that of his wife of immoveable property in the town of the value of at least one thousand dollars for the office of mayor and five hundred dollars for that of councillor, in both cases according to the valuation roll then in force, and after payment or deduction of all charges on real estate ; and unless he has paid on or before the thirty first of January preceding the election, all municipal and school taxes then due in the case of a general election ; but if the election be merely for the purpose of filling a vacancy occurring before the expiration of the usual term, such taxes must be paid before his nomination.” Disqualifications.

17. Article 112 of the Cities and Towns’ Act, 1903, is replaced for the town, by the following : Id., art. 112 replaced.

“The following persons, if of the full age of twenty-one years, British subjects and not legally disqualified nor otherwise deprived of the right to vote in virtue of this act or of the charter, are electors, and are entered on the lists of electors, prepared in accordance with the following provisions, viz : Qualification of electors.”

Proprietors, &c. 1. Every male person and every widow or spinster whose names are entered on the valuation roll in force as a *bonâ fide* owner or occupant of immoveable property, in the municipality, of the value of \$200 or upwards, or of an annual value of \$60 or upwards, according to said roll ; in cases where such property is held in usufruct, the name of the usufructuary shall alone be entered on the electors' list ;

Proviso.

Husband of woman separated as to property. 2. The husband of any woman separate as to property, when the latter is seized, as owner, usufructuary or as institute, of immoveable property in the municipality, of the assessed value of \$300 or upwards, according to the valuation roll in force, or when she carries on trade or keeps a place of business which renders her subject to the payment of a tax, and when such place of business is entered on the collection roll as being of the annual value of not less than \$60 ;

Tenants. 3. Every male person, and every widow or spinster, being a resident householder in the municipality under a lease, whose name is entered on the collection roll in force as tenant of a dwelling house or part of a dwelling house, in the ward for which the list is made, of the value of \$200 or upwards or of the annual value of \$60 or upwards, according to such roll ;

Tenants of warehouses, &c. 4. Every male person, though neither an owner nor a householder, who, individually or jointly as a copartner with any other person, is entered on the valuation roll or collection roll in force, as the tenant under lease of any warehouse, counting-house, shop, office, or other place of business in the municipality ; provided that such warehouse, counting-house, shop, office or other place of business, if occupied by the said person individually, be assessed at a value not less than \$200, or at a yearly assessed value of not less than \$60 according to the valuation or collection roll ; or, if occupied by him as a copartner, that his proportion or share thereof be not of less value than the amounts aforesaid, respectively, according to the valuation or collection roll.

Proviso. Nevertheless such qualification granted to copartners or tenants by this paragraph, shall not be held to extend to members of associations of persons using or holding the premises for social, educational, philanthropic or other similar objects, nor to employees or agents of other persons entitled to be qualified as electors in respect of the same premises.

Id., art. 117 replaced. 18. Article 117 of the Cities and Towns' Act, 1903, is replaced for the town by the following :

Necessity to pay taxes. " 117. No person qualified to vote as proprietor, tenant or occupant, is entitled to have his name entered on the electors' list for any of the wards of the municipality who, on the first of

January preceding the making of the list, is indebted towards the municipality for any taxes or water-rates (special taxes excepted.)

This articles deprives the proprietor of the right to be entered on the list for the ward only in which such taxes become due." Proviso.

SECTION VII

ELECTIONS

19. Article 250 of the Cities and Towns' Act, 1903, is replaced, for the town, by the following : Id., art. 250 replaced.

"**250.** No person shall keep open any bar in a hotel or club, any tavern, shop or store, whether licensed or not, in which spirituous or fermented liquors are ordinarily sold, during the day of voting within the limits of the town, under a penalty of being guilty of an offence triable summarily and being liable to a fine of fifty dollars, and imprisonment not exceeding three months in default of payment." Bars, &c., to be closed on polling days. Penalty.

20. Article 251 of the Cities and Towns' Act, 1903, is replaced, for the town, by the following : Id., art. 251 replaced.

"**251.** On the day of the polling no person shall, within the limits of the town under penalty of being guilty of an offence triable summarily, and being liable to fine of fifty dollars and an imprisonment not exceeding three months in default of payment, either sell for a price in money or in exchange for any article whatever, or lend or deliver, or gratuitously supply, any quantity whatever of spirituous or fermented liquor ; the only exception to this provision, the burden of proof whereof is upon the accused, is established in favor of the sick, in which case the liquor can only be sold, lent delivered or supplied upon the certificate of a priest or minister of some religious denomination, or of a physician ; and whoever shall give or deliver a false certificate in respect thereof, shall be guilty of an offence summarily triable, and be liable to a fine of fifty dollars, and, in default of payment, to imprisonment not exceeding one month." Sales of liquor on polling days forbidden. Proviso.

21. Article 252 of the Cities and Towns' Act, 1903, is replaced, for the town, by the following : Id., art. 252 replaced.

"**252.** During the days mentioned in article 251, and under the same penalties, but subject to the same exceptions in case of sickness, it is forbidden to cause to be brought or transported or to bring or transport, within the limits of the town, or from one place to another within the said limits, any quantity whatever of spirituous or fermented liquor." Importation of same forbidden.

This provision shall not affect the sale, transport, delivery or purchase of spirituous or fermented liquor, made in good faith and in the ordinary course of affairs by a merchant or Proviso.

trader ; provided that the cases, casks, bottles or envelopes containing the said liquor be not opened, broken or unclosed during the days above mentioned."

SECTION VIII

QUASHING OF BY LAWS

Quashing of
by-laws.

22. The quashing of municipal by laws, shall be applied for and obtained, if necessary, in accordance with the procedure prescribed by articles 368 to 379 inclusively of the Cities and Towns' Act, 1903.

Proviso.

Nevertheless, the provisions of these articles are specially derogated from in so far that the cognizance and decision of the applications shall be exclusively with the Circuit Court of the county or district.

Id., arts. 298-
300 not to
apply.

23. Articles 298, 299 and 300 of the Cities and Towns' Act, 1903, shall not apply to the town.

Id., art. 336
replaced.

24. Article 336 of the Cities and Towns' Act, 1903, is replaced, for the town, by the following :

Setting aside
of *procès-
verbaux*, &c.

" 336. Any *procès-verbal*, roll, resolution or other order of the council, may be set aside by the Circuit Court of the county or district, 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 348 and 378 of the Cities and Towns' Act, 1903."

Id., art. 398
amended.

25 Sub-paragraph 5 of article 398 of the Cities and Towns' Act, 1903, is replaced for the town, by the following :

Payment of
water rates.

" 5. To provide that the water rate shall be due and payable in advance by instalments of not more than three months."

SECTION IX

POLICE AND GOOD ORDER

Service, &c.,
of special
notices by
constables.

26. The constables have power and authority to serve special notices and to publish public notices under the provisions of this act, and they shall certify to the correctness thereof under their oath of office, without being obliged to take a special oath to that effect.

SECTION X

DRAINS, DITCHES AND WATER-COURSES

Id., art. 384
amended.

27. Paragraphs 21, 22, 24, 26, 27, 28 and 29 of article 384 of the Cities and Towns' Act, 1903, shall not apply to the town, and are replaced by the following :

“ The council may, by by-law and at the expense of the By laws. corporation :

“ *a.* Make, open, excavate, widen, cover and maintain or Opening, &c., change the course of any ditch required for the draining of ^{of line} any line ditch, or any ditch owned in common, or of any ^{ditches.} water-course situate in the town or outside the limits of the town, as the council may deem expedient, and determine the time and the manner in which such work shall be done ;

“ *b.* Make or repair drains in any street, public place or Making, &c., section determined by the council ; regulate the manner of ^{of drains.} making such drains ; fix the period at which private drains shall be made ; prescribe the manner of making them and the materials to be used in their construction, and the manner in which their junction or connection with the municipal drains shall be effected ;

“ *c.* Such water-courses, ditches and drains shall be made, At whose maintained and repaired at the expense of the corporation, but ^{expense} it may compel all adjoining municipalities or proprietors of ^{made, &c.} lands situate outside the limits of the town of Iberville who may make use of such works, to pay their share of the cost of construction, repair or maintenance of the said works, according to the superficies of the land to be drained and the benefit to be derived therefrom, or to exact from such owners or municipalities the payment of an annual rent for the use of such works ;

“ *d.* To compel proprietors in neighbouring municipalities, Drainage by to drain at their own cost and expense, their water which ^{neighbouring} may have to go through the town of Iberville, as far as the ^{municipali-} Richelieu river, by means of closed conduits, as determined ^{ties, &c.} by the council of the town of Iberville.”

SECTION XI

PUBLIC ROADS

28. Article 386 of the Cities and Towns' Act, 1903, is ^{Id., art. 386} amended for the town, by adding the following paragraphs : ^{amended.}

“ 33. Regulate and determine the manner in which the Streets in streets shall be maintained during the winter season, by the ^{winter.} council or by the persons compelled thereto ;

“ 34. Prohibit the transportation, removal or displace- Moving of ment through the streets of the town, of any house or building ^{houses, &c.,} without previously obtaining a special permit from the ^{through} council, and upon payment of such compensation as the town ^{streets, &c.} may exact, and such stipulations as to damages that may be incurred ;

“ 35. Lay out, open and maintain roads across the ice on Roads across the Richelieu river opposite the town to the west bank, and ^{Richelieu} river, &c.

regulate the traffic on such roads made opposite the town and starting from its limits or ending there throughout their whole length ;

Cutting of
ice, etc.

“36. Forbid or regulate the cutting of ice opposite the town on the Richelieu river, permit the same on certain conditions and under certain restrictions, and decide at what place such ice shall be taken.”

SECTION XII

TAX ON IMMOVEABLES

Id., arts. 474
and 475 re-
placed.
Real estate
tax.

29. Articles 474 and 475 of the Cities and Towns' Act, 1903, are replaced, for the town, by the following :

“The council may impose and levy annually on every lot of land, town lot or part of lot with all the buildings thereon erected an amount not exceeding one cent in the dollar of their real value as established by the valuation roll.

SECTION XIII

TAXES ON MERCHANDISE, TENANTS AND OCCUPANTS

Id., art. 476
replaced.

30. Article 476 of the Cities and Towns' Act, 1903, is replaced, for the town, by the following :

Taxes.

The council may impose and levy annually :

On stocks in
trade, &c.

a. On the stock in trade of all descriptions kept by merchants and dealers and exposed for sale on shelves or otherwise 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 half a cent in the dollar on the estimated average annual value of such stocks in trade or other articles of commerce ;

Tenant tax,
&c.

b. On all tenants paying rent in the municipality an annual tax not exceeding six cents in the dollar on the amount of their rent as entered on the valuation roll or of the annual value of the property leased or occupied.

On occupants.

c. On every person occupying property, an amount not exceeding six cents in the dollar on the amount of the rent or of the annual value of the property occupied.

Id., art. 169
not to apply.

31. Article 169 of the Cities and Towns' Act, 1903, shall not apply to the Town of Iberville.

Coming
into force.

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