

they have been incurred or before a justice of the peace, if there be one, residing in the municipality, if not, before any justice of the peace residing in a neighboring municipality in the district."

Id., 546, replaced, for town.

Who may prosecute.

R. S. 5716, &c., not to apply.

Who may prosecute for infringement of by-laws respecting ferry between Quebec and Levis.

Agreement of May 29, 1902 with Grand Trunk Railway Company not affected.

42. Article 546 of the Cities and Towns' Act, 1903, is replaced, for the town, by the following:

"**546.** Such prosecution may be brought by any person of age in his own name or by the corporation, and the provisions of articles 5716 and following of the Revised Statutes shall not apply to prosecutions for fines imposed under the provisions of this act.

The town, as well as any ratepayer of the town in his own personal name, shall have the right to sue by action for debt before any competent court for the recovery of any fines or penalties incurred through the infringement of the by-laws of the city of Quebec respecting the ferry between Quebec and Levis."

43. Nothing contained in this act shall affect the arrangement entered into on the twenty-ninth May, 1902, between the corporation of the town of Levis and the Grand Trunk Railway Company respecting the payment of taxes by the said company to the town.

Coming into force.

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

CHAP. 50

An Act to amend the charter of the town of Fraserville, 1903

[Assented to 9th March, 1906]

Preamble.

WHEREAS the corporation of the town of Fraserville has by its petition represented that it is in the interest of the proper administration of the town that certain amendments be made to its charter, the act 3 Edward VII, chapter 69, and whereas it is expedient to grant its prayer to that effect contained in 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:

3 Ed. VII, c. 69, art. 7, replaced. R.S., 4194 to 4196 and 4231, replaced for town.

1. Article 7 of the act 3 Edward VII, chapter 69, is replaced by the following:

"**7.** Articles 4194, 4195, 4196 and 4231 of the Revised Statutes are replaced, for the town, by the following:

There shall be elected every year, in the manner hereinafter mentioned, one councillor for each of the various wards of the town. The councillors so elected for the time being, with the councillors elected in the previous year, and the mayor, shall constitute the council mentioned in article 3, provided the number of such councillors shall never be less than six.

Election of councillors annually.

Every second year, in the manner hereinafter prescribed, a duly qualified person shall also be elected who shall be called the mayor of the town of Fraserville.

Election of mayor every second year.

In the event of two councillors of the same ward going out of office at the same time, it is enacted that, in such case, the choice of the councillor who is to go out of office shall be determined by lot at the last sitting of the council previous to the election, in order that there may be only one councillor elected each year for each of the wards as aforesaid.

Retiring of councillors.

The present provisions shall apply to the mayor and councillors who at present constitute the council of the said town."

Application to present mayor and councillors.

2. Article 11 of the act 3 Edward VII, chapter 69, is replaced by the following:

3 Ed. VII, c. 69, art. 11, replaced.

"11. Articles 4213 and 4215 of the Revised Statutes are replaced, for the town, by the following:

R.S., 4213 and 4215, replaced for town.

No persons being in holy orders, nor the ministers of any religious belief whatever, nor the members of the privy council, nor judges, sheriffs, clerks of any court of justice, or their deputies, nor officers on full pay in His Majesty's army or navy, nor salaried civil functionaries, nor any person accountable for the revenues of the said town, nor its servants or employees receiving a monthly or annual salary, nor tavern-keepers, hotel-keepers, nor public boarding-house-keepers nor those of houses of public entertainment, being or having been such during the last twelve months, nor officers or persons presiding at the election of the mayor or the councillors, while so employed, nor persons who shall have been convicted of malfeasance or any criminal offence punishable by imprisonment for two years or more, nor persons having in person or through their partners any contract whatever or interest in any contract with or for the town, shall be capable of being elected mayor or councillor for the town, nor continue to act as such; provided always that no person shall become ineligible or become incapable of acting as mayor or councillor for the town, from the fact of his being a proprietor of or shareholder in any incorporated company which may have a contract or agreement with the said town.

Persons not qualified as mayor or councillor.

Proviso.

The word 'contract' in this article does not apply to leases, sales or purchases of land, nor to any loan of money, nor to any agreement relating to any such contracts; the words 'judge,' 'clerks or their deputies,' used in this article, shall not mean

Words defined.

justices of the peace or commissioners for the summary trial of small causes or their clerks or deputies."

3 Ed. VII, c. 69, art. 13, replaced.

3. Article 13 of the act 3 Edward VII, chapter 69, is replaced by the following:

R.S., 4196, replaced for town.

"13. Article 4196 of the Revised Statutes is replaced, for the town, by the following:

Expiring of term of office of mayor, &c.

The term of office of the mayor shall expire at the opening of the first session of the council held after every election for such office. The same rule shall apply to the other members of the council."

3 Ed. VII, c. 69, art. 27, replaced.

4. Article 27 of the act 3 Edward VII, chapter 69, is replaced by the following:

Term of office of councillors.

"27. The persons who shall be elected at the annual municipal elections as councillors for the town shall in all cases be elected for two years.

Term of office of mayor.

The mayor shall likewise be elected for the term of two years."

Art. added after id., 147.

5. The following article is added after article 147 of the said act:

Provisions, &c., to be sold on markets.

"147a. To require that provisions or produce, usually bought or sold on the public markets and brought into the town to be sold therein, be conveyed to the markets and be there exposed for sale, and that such provisions or produce be not offered or put up for sale, or sold, or bought in any other place in the town but on the public markets or market places; but the council may always order that its by-law on this subject shall be applicable in any specified part of the municipality."

Id., 183, amended.

6. Article 183 of the act 3 Edward VII, chapter 69, is amended by adding thereto the following:

Proprietors may be compelled to allow works to be performed.

"To compel owners or occupants of immoveables inside or outside the town and the adjoining municipalities to allow all necessary works for the construction, maintenance and repair of the electric light system to be done on their property, and the council may expropriate any land required for such purpose, saving indemnity for damages caused to such lands or property."

Id., 186, replaced.

7. Article 186 of the act 3 Edward VII, chapter 69, as replaced by the act 4 Edward VII, chapter 65, section 1, is again replaced by the following:

Issue of debentures for certain purposes.

"186. For the execution of the works mentioned in articles 175 to 184 inclusively, it shall be lawful for the town to issue debentures to an amount not exceeding four hundred thousand

dollars by complying with the provisions of articles 198 and following."

8. Article 220 of the act 3 Edward VII, chapter 69, is amended by replacing paragraph 3 by the following: Id., 220, amended.

"3. On each tenant paying rent in the town, an annual sum not exceeding seven and one-half cents in the dollar on the amount of his rent, and on each occupant or tenant farmer a sum not exceeding ten cents in the dollar on the annual value of his occupation." Tax on tenants, &c.

9. Article 234 of the act 3 Edward VII, chapter 69, is replaced by the following: Id., 234, replaced.

"**234.** If any person or persons should come temporarily into the town to carry on therein any business, trade or occupation, or to dispose wholly or in part of bankrupt or other stocks of merchandize, articles or effects, either by public auction or by private sale, the council may, by resolution passed as soon as convenient, levy upon such person or persons a license fee of not less than two dollars and not more than one hundred dollars for the sale of such merchandize so brought into and exposed for sale in the town." License for transient traders.

10. Article 235 of the act 3 Edward VII, chapter 69, is replaced by the following: Id., 235, replaced.

"**235.** Every person in the town, practising the profession of advocate, physician, dentist, civil engineer, land-surveyor, notary, or any other liberal profession, or acting as a civil officer appointed by the provincial or federal government, or as prothonotary of the Superior Court, or as clerk of the Circuit Court or sheriff, shall, for the same purposes, be assessed for an amount not exceeding five dollars yearly for each such profession or employment." Tax on professional men.

"**235a.** Every person employed in the service of the provincial or federal government or in the service of another, and whose salary is five hundred dollars or over, who is neither an owner nor a tenant in the town, shall be assessed at a sum not exceeding five dollars annually." Tax on provincial and federal employees, &c.

The council may order the assessors to make the roll of the persons, industries, companies, employments, capacity and moveable property mentioned in the different parts of this act." Roll of persons taxed.

11. Article 273 of the act 3 Edward VII, chapter 69, is replaced by the following: Id., 273, replaced.

"**273.** The council may, in connection with every by-law it is empowered to make under the powers conferred on it, impose Imposition of penalties by by-law.

either a fine with or without costs or an imprisonment for each and every infringement of the by-laws; and if it be a fine with or without costs, it may order imprisonment in default of immediate payment of the said fine with or without costs, as the case may be, but, except in the cases for which it is otherwise provided, such fine shall not exceed one hundred dollars and such imprisonment shall not be for more than two months; and, when imprisonment is ordered for default of payment of the fine or of the fine and costs, such imprisonment shall cease on payment of the fine or of the fine and costs.

Separate
offences.

If the infringement of the by-law continues, this shall constitute a separate offence day by day.

Costs.

The costs above mentioned include, in all cases, the costs connected with the execution of the judgment."

Art. added
after id., 299

12. The following article is added after article 299 of the act 3 Edward VII, chapter 69:

Arts. 555 to
605 of 3 Ed.
VII, c. 38, to
apply to
town, its
councillors
and officers.

"**299a.** Articles 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604 and 605 of The Cities and Towns' Act, 1903, being the act 3 Edward VII, chapter 38, shall apply to the town of Fraserville, to its council and to its officers."

Coming into
force.

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

CHAP. 51

An Act to amend the charter of the town of St. Germain de Rimouski

[Assented to 9th March, 1906]

Preamble.

WHEREAS the corporation of the town of St. Germain de Rimouski has, by petition, represented that it is in the interest of the proper administration of its affairs that its charter, the act 4 Edward VII., chapter 64, be amended, that all the interested parties have consented to the said prayer; and whereas 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:

3 Ed. VII, c.
38, art. 518,
replaced for
town.

1. Article 518 of the Cities and Towns' Act, 1903, is replaced for the town, by the following: