

C H A P . 5 0

An Act to increase the powers of the corporation of
the village of Malbaie

[Assented to 20th May, 1905]

Preamble.

WHEREAS the corporation of the village of Malbaie has, by its petition, represented that the provisions of the Municipal Code no longer meet the requirements of the rate-payers, and has prayed that its powers be increased, and whereas it is expedient to grant its prayer ;

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

List of municipal electors to be prepared and when.

1. Before each election of councillors, the secretary-treasurer shall prepare a list of the municipal electors qualified according to the valuation roll.

Original of by-laws to be registered in special book.

2. The original of every by-law shall, in future, be registered at length in a special book, entitled : " Book of by-laws of the council of Malbaie," and every entry shall be signed by the mayor and countersigned by the secretary-treasurer.

Notice of publication also to be entered.

The secretary-treasurer shall further enter in such book a copy certified by him of the notice of publication of each by-law.

Power of council to make by-laws for : Drains, &c. ;

3. The council shall have power to make by-laws :

1. For compelling every owner, or occupant as proprietor to construct at his own expense the private drains necessary to enable him to use the public drains, if the health laws require it ; for determining the kind of plumbing to be used in all buildings erected in the village ; for regulating and ordering the putting in of water-closets, and also for regulating the ventilation and volume of air in such buildings ;

Good order, &c., in village ;

2. For the good order, welfare, improvement, cleanliness, health, internal economy and local government of the village ; for the prevention and suppression of all nuisances, and all acts and proceedings obstructive, opposed or disadvantageous to good order or morality, or the welfare, improvement, cleanliness, health, internal economy or local government of the village, for the protection of the life and property of the inhabitants, and for protection against fire ;

3. For compelling owners of land situate on municipal roads or on public places, throughout the municipality or any portion only of the municipality, to make and keep on all such roads or public places in front of their property, sidewalks of wood, stone or other specified material, and, if there be a sidewalk only on one side of the street, for compelling the owners of the opposite side to contribute according to the value of the land belonging to them and situate on the said streets ; Sidewalks ;

4. For authorizing the granting of licenses to carters, owners and drivers of vehicles for public hire, of saddle-horses kept for hire, and of horses and vehicles hired by the month or for the summer season in the village, in accordance with articles 582 and 582a of the Municipal Code ; for compelling them to take out annual licenses, and for regulating everything concerning carters and their vehicles ; Licensing carters, &c. ;

5. For making a tariff of fares payable to carters and of the rates payable to owners of saddle-horses for the use of the latter ; for compelling them not to charge more than the rates allowed by the tariff, and for punishing persons hiring, engaging or employing a carter and refusing to pay him according to the tariff ; Fares payable to carters ;

6. For compelling every licensed carter to give his services to any person asking him for the same, at the rates stated in the tariff ; Duty of carters ;

7. For exacting, in accordance with article 582a of the Municipal Code, a higher rate from owners or hirers of saddle or carriage-horses who have not resided in the municipality for twelve months ; Exacting a higher tax from certain owners of horses, &c. ;

8. For imposing and levying, annually, on every horse owner for every horse not already taxed in virtue of the foregoing paragraphs, a tax not exceeding two dollars, provided the council may, by by-law, exempt from such tax persons who already pay a special tax in connection with their trade ; Levying taxes : on other owners of horses ;

9. For imposing, levying and collecting, annually, a tax, not exceeding ten dollars, on every auctioneer, jeweller, goldsmith, painter, baker, butcher, blacksmith, wheelwright, joiner, carpenter, tailor, cabinet-maker, tanner, tinsmith, plumber, roofer, shoemaker, bailiff, barber, builder, and other person carrying on any trade or art within the limits of the village, working there habitually or keeping an establishment therein as proprietor, agent or foreman ; which tax may, as much as possible, be in proportion to the probable revenue of the proprietors, agents and foremen ; Levying taxes : On persons exercising certain trades and callings ;

10. For imposing, levying and collecting, annually, a tax, not exceeding ten dollars, on every person habitually practi- On certain professional men.

sing in the municipality the profession of advocate, physician, notary, surgeon-dentist, veterinary surgeon, oculist, aurist, surveyor, civil engineer, architect, druggist's clerk or member of any other profession, and every civil employee or clerk of any court whatsoever. The said tax may be different for each class ;

- On stallions,
&c. ; 11. For imposing, levying and collecting, annually, upon every owner, lessee or possessor of any stallion kept or brought temporarily within the limits of the municipality for service, a sum not exceeding five dollars ;
- On banks, &c. ; 12. For imposing, levying and collecting, annually, on every bank or branch of any bank doing business in the municipality, a sum not exceeding one hundred dollars ;
- On insurance
companies,
&c. ; 13. For imposing, levying and collecting, annually, a tax not exceeding twenty dollars, upon every insurance company or its agent residing or not in the village but carrying on business therein ; upon every commission merchant ; upon every owner of goods sold upon commission, and upon every owner, agent or director of a theatre, circus or other amusement, doing business or giving representations in the village ; which tax may be proportioned, as much as possible, to the extent or value of each kind of business ;
- On industries,
&c. ; 14. For imposing, levying and collecting, on every industry and manufacture whatsoever in the village, an annual tax not exceeding fifty dollars ; but such tax may be imposed and levied according to the amount of the probable revenues and profits of each manufacture :
- On peddlers,
&c. ; 15. For imposing, levying and collecting, annually, a tax, not exceeding twenty-five dollars, upon every peddler or hawker who goes from house to house to sell any kind of goods and merchandise ; upon every agent for the sale of sewing machines ; upon every merchant or trader whomsoever selling or offering his goods for sale in the roads, streets, or public places, on the wharves, in a boat, schooner or other vessel, or in any vehicle within the limits of the municipality ; and upon every proprietor or possessor of a stock in trade or goods and merchandise who settles temporarily in the village, for the purpose of selling and offering such goods and merchandise for sale ; such tax may be in proportion to the kind of business and to its importance, and shall be levied by compelling such peddler, hawker, transient trader and other retailers to take out a license from the council to sell within the limits of the village, by paying the taxes imposed ; provided that farmers may, without a license, sell the produce of their farms from house to house in the municipality ;
- Proviso.

16. For imposing, levying and collecting, annually, a tax, On hotels, &c.; not exceeding twenty dollars, on every proprietor, tenant or occupant of a hotel, boarding-house or other building in which travellers are received and carrying on business as such ; which tax shall be paid as the price of the license which each such proprietor, tenant or occupant, his agent or clerk, shall obtain from the council in the course of the month of May of each year, to be authorized to open and keep such hotel, boarding-house or other building intended for the reception of travellers ;

17. For imposing, levying and collecting, annually, on On telegraph, &c., companies ; every telegraph or electric light company having an office in the municipality, a tax not exceeding twenty-five dollars, and, on companies not having any such offices but whose poles are within the municipality, a tax not exceeding thirty cents per pole ;

18. For imposing, levying and collecting, annually, on On undertakers ; every undertaker, a tax not exceeding ten dollars ;

19. For imposing, levying and collecting, annually, on On druggists, &c. ; every wholesale or retail druggist, and on all wholesale and retail wine merchants, a tax not exceeding one hundred dollars ; on every grocer, a tax not exceeding fifteen dollars ; on every ready-made clothing merchant, a tax not exceeding fifty dollars ; on every owner of a laundry or dyeworks, a tax not exceeding thirty dollars ; on every general merchant carrying on a dry-goods, hardware, grocery, boot and shoe and crockery business, a tax not exceeding one hundred and fifty dollars and proportionate to the extent of such business. A merchant taxed as a general merchant cannot be taxed for a special branch of his business ;

20. For imposing, levying and collecting, annually, on every On wood merchants, &c. ; owner of a wood, lumber or coal yard, on every owner of a saw or planing mill, on every second hand dealer, grain, hay or ice merchant, and upon every other business or trade not provided by this act, a tax not exceeding ten dollars ;

21. For imposing an annual tax, not exceeding two dollars, On bicycle owners, &c. ; on owners or hirers of bicycles residing in the municipality ; for regulating the speed at which such vehicles may be run in the public roads and streets of the village ; and for determining the manner in which bicycles shall be ridden, in the interest of public safety ;

22. For ordering and exacting for the granting of the Double taxes, on certain persons ; licenses under the foregoing paragraphs 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 from persons who have not resided in the municipality for twelve months, double the price exacted from residents ;

Signature to
licenses ;

23. Such licenses shall be signed by the secretary-treasurer and shall not be transferred without the consent of the council ;

Penalty for
carrying on
business
without li-
cense ;

24. Every person who carries on any business, industry, occupation, art or trade in the village, as above set forth, or who keeps an animal for which a tax is imposed by the council, without previously obtaining the necessary license or paying the tax imposed, is liable to a fine of at least one dollar and fifty dollars at the most, for each infringement, and, in default of payment, to an imprisonment not exceeding thirty days ;

Sale of spiri-
tuous, &c.,
liquor ;

25. For prohibiting, restricting or limiting the sale of spirituous, alcoholic or intoxicating liquors within the limits of the village, subject however to the Quebec License Law, or for permitting the same, on payment to the corporation, for the confirmation of the certificate for obtaining such licenses, of a sum not exceeding twenty-five dollars ;

Tax on im-
moveables ;

26. For levying, annually, on the immoveable property within the limits of the village, a tax not exceeding one cent in the dollar of the total value entered on the valuation roll ;

Water rate.

27. For establishing a rate for supplying water, if the corporation acquires the ownership of the water-works constructed within the limits of the village.

Personal
taxes payable
for full year.

4. Whosoever, during the year, shall practise or carry on any business, occupation or profession or do any act which renders him liable to the special taxes or to a permit or license, shall be bound to pay the full amount thereof, whatever may be the period of the year when such dues may be exigible, unless the council remit a portion of such taxes or dues on account of the short period of time remaining before the expiration of the current year ; provided always that the council shall not remit such tax or dues except when the same become payable during the three latter months of the current year.

Proviso.

Power of
police-offi-
cers, &c., to
enter certain
houses, &c. ;

5. 1. It shall be lawful for any police officer or constable of the village to enter every house, store, grocery store, shop, inn or other suspicious house, and to enter every yard or other place within the limits of the village, in which any person may be reasonably suspected to be in violation of any law or municipal regulation ; and, if any such person be found in such places, the said police officers or constables shall arrest, on view and without a warrant, and shall keep in custody any such person.

2. They shall have also power and authority to enter every inn and hotel, and into every shop licensed for the sale of spirituous, vinous or fermented liquors, or place of public entertainment, to ascertain if the laws regulating such houses, or the by-laws which the council may pass respecting the same, be faithfully observed, and to arrest all persons whom they may find in such houses contravening any such laws or by-laws. To enter inns, &c. ;

3. It shall be lawful for the said police officers or constables, at any time, to enter every store-house, shop or other houses not licensed for the sale of spirituous, vinous or fermented liquors, wherein they shall suspect such liquors are sold, and to lay an information with the collector of provincial revenue or with the municipal authorities against every person contravening the laws prohibiting the sale of spirituous, vinous or fermented liquors without license. To enter store-houses, &c.

6. Every person demanding the setting aside of a by-law or resolution adopted by the council, shall previously furnish, to the satisfaction of the judge of the Superior Court, of the prothonotary or the clerk of the Circuit Court, good and sufficient security for the costs, if so required. Security for costs to be furnished by person applying for setting aside of by-law, &c.

7. The council of the village of Malbaie shall have power to borrow on promissory notes by resolution regularly adopted, provided the total amount of such notes do not exceed three thousand dollars at any one time. Council may borrow on promissory notes.

8. If any person alleges or claims to be injured by any accident or casualty for which he intends to claim damages or compensation from the village, he shall, within sixty days following the date of the accident or casualty, signify his intention to the village by a written notice containing the particulars of his claim and the address of his domicile. Notice to be given by persons claiming damages for accidents, &c.

The action must be taken within six months.

Suit, when to be taken.

9. The municipality of the village of Malbaie shall, for police purposes, extend to a line drawn in the river St. Lawrence at a quarter of a mile from low water mark. Limits of village for certain purposes.

10. The council shall have power to grant a discount, not exceeding five per cent., to the ratepayers who may pay their general and special taxes within the delay determined by it each year. Discount to rate-payers paying taxes within certain delay.

11. The corporation shall have power to purchase the aqueduct and sewers of the village, in accordance with the by-laws and contracts granting the franchises, and to make Power to purchase, &c., aqueduct, &c.

a loan for this purposes in accordance with the provisions of the Municipal Code and its amendments.

Arbitration
in default of
mutual agree-
ment.

In default of mutual agreement between the parties, the price based on the by-laws and the contract granting the franchises shall be established by three arbitrators, one named by the council of the village of Malbaie, another by the proprietors of the said aqueduct and sewers and the third by the two others. In default of the proprietor naming his arbitrator, the judge of the Superior Court may appoint the same, after such notice as may be deemed reasonable.

Act to apply. The arbitration shall be held according to the provisions of the Expropriation Act, 54 Victoria, chapter 38.

Annexation
of contiguous
lands.

12. It shall be lawful for any owner of lands contiguous to the municipality of the said village, to demand the annexation of such lands to the municipality. Such application may be granted by municipal by-law in the usual form. All other lands which become contiguous by the aforesaid annexation, may be annexed in the same manner.

Law to apply
to prosecu-
tions.
Proviso.

13. The provisions of part LVIII of the Criminal Code, 1892, shall apply to all prosecutions instituted before a justice of the peace, but it shall not be necessary to take the depositions in writing.

Coming
into force.

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

CHAP. 51

An Act to amend the act incorporating the village of *Pointe au Pic*

[Assented to 20th May, 1905]

Preamble

WHEREAS the corporation of the village of *Pointe au Pic*, has by petition, represented :

That a certain portion of the territory of the municipality of the parish of *Saint Etienne de la Malbaie* is destined, by its situation and through the intention of the owners thereof, to be divided into building lots and to be inhabited by tourists who can no longer find room in the municipality of the village of *Pointe au Pic*, and that the annexation of such territory to the municipality of the village of *Pointe au Pic* will be advantageous to both municipalities ;

That the act 40 Victoria, chapter 46, as amended by the act 1 Edward VII, chapter 53, does not meet the require-