

pany, passed before the said notary, J. B. Demers, on the 24th March, 1904, in partial execution of the said by-law, by which deed the said town of St. Johns transferred and made over to the Universal Construction Company, as the nominee of the Singer Manufacturing Company, a piece of land of a superficies of twenty-six acres, English measurement, more or less, situate in the town of St. Johns, designated in the said deed by the numbers of the official cadastre of the said town of St. Johns, is hereby ratified and confirmed and declared legal and valid.

Town authorized to carry out by-law No. 92 and deeds above-mentioned.

5. The said town of St. Johns is further authorized by this act to do all acts and things necessary for the thorough and entire execution of the said by-law No. 92 and of the said deeds.

Coming into force.

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

CHAP. 60

An act to amend the act respecting the town of Salaberry de Valleyfield

[Assented to 31st May, 1904]

Preamble.

WHEREAS the town of Salaberry de Valleyfield has, by its petition, prayed for amendments to its act of incorporation, 57 Victoria, chapter 63, and whereas it is expedient to grant its prayer and to confer more ample powers thereon; Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

57 V., c. 63, s. 14, replaced.

1. Section 14 of the act 57 Victoria, chapter 63, is replaced by the following:

Inhabitants incorporated.

“14. The inhabitants of the town of Salaberry de Valleyfield and their successors, dwelling in the said town, are hereby constituted a corporation, under the name of “the city of Salaberry de Valleyfield.”

Name.

Territory of city.

2. Such city comprises all the territory contained within the present limits of the town of Salaberry de Valleyfield.

Laws to apply.

3. All the provisions of the charter of the town of Salaberry de Valleyfield and the various statutes amending the same, as well as the town corporations general clauses act that

apply to the town of Salaberry de Valleyfield, shall continue to apply *mutatis mutandis* to the city of Salaberry de Valleyfield, and the by-laws now in force in the town Salaberry de Valleyfield shall continue to be so, both for the city of Salaberry de Valleyfield and for its inhabitants and the public generally.

4. Subsection 11 of section 5 of the said act is replaced by the following :

57 V., c. 63, s. 5, § 11, replaced.

"11. The word "contract" does not apply to the lease of stalls or shops, nor to the lease, sale or purchase of land, nor to loans of money, nor to any agreement in connection therewith, nor to any agreement for the supplying of any goods or effects whatsoever in the ordinary course of the business of the corporation, when the total cost of any such goods or effects shall not exceed annually the sum of two hundred dollars, nor to any professional work done for the said corporation, when the fees shall not exceed, in any one year, the sum of two hundred dollars."

Interpretation of "contract."

5. The following section is added after section 7 of the said act :

Sec. added after 57 V., c. 63, s. 7.

"7a. If a person claims to have suffered in consequence of an accident, any bodily injury, for which he proposes to claim damages or any indemnity from the city, he shall, within thirty days from the date of such accident, give or cause to be given a written notice to the city clerk of his intention to institute a suit, indicating at the same time the details of his claim and the place where he resides ; in default whereof the city is not liable for the damages nor for any indemnity in consequence of such accident, notwithstanding any article or provision of the law to the contrary ; and, in the case of claims for damages to moveable property, a similar notice must be given to the city clerk within fifteen days, in default whereof the city is not bound to pay damages or an indemnity, notwithstanding any article or provision of the law ; but in no case shall an action for the recovery of damages or indemnity lie unless such action be taken within three months from the date when the accident happened or from the date on which the right of action arose.

Proviso if persons claim damages against city as to notices, &c.

Description of suits.

No such action can be taken before the expiration of fifteen days from the date of the service of the said notice.

Delay before suit to be taken.

The default of the above notice does not, however, deprive the claimants of their right of action if they prove that they were prevented from giving such notice by irresistible force or by other reasons deemed valid by the judge or by the court.

Default of notice.

City's re-
course in war-
ranty.

The city has its recourse in warranty and may bring into the case any person whose fault or negligence may have occasioned the accident and the damages resulting therefrom."

57 V., c. 63, s.
24, replaced.
R. S., 4194,
replaced for
city.
Composition
of council.
Names of
members.

6. Section 24 of the said act is replaced by the following :

"**24.** Article 4194 of the Revised Statutes is replaced, for the city, by the following :

The city council shall consist of the mayor, and two councillors for each ward.

From and after the coming into force of this act, the said councillors and their successors shall take the title of aldermen.

Offices desig-
nated by num-
bers.

The office of alderman for each ward of the city shall be designated by the numbers 1 and 2 respectively.

57 V., c. 63,
s. 25, re-
placed.
R. S., 4195
dan 4196, re-
placed for
city.
Term of office.
Election of
mayor and
aldermen.
Term of office.

7. Section 25 of the act 57 Victoria, chapter 63, is replaced by the following :

"**25.** Articles 4195 and 4196 of the Revised Statutes are replaced, for the city, by the following :

The mayor and aldermen are elected for two years.

The mayor is elected by a majority of the municipal electors of the city, and the aldermen by a majority of the municipal electors of each ward.

They remain in office until the entry into office of their successors.

Duties after
election of
successors.

After the election of their successors they shall confine the exercise of their office to matters of urgency."

Sec. added
after 57 V.,
c. 63, s. 25.

8. The following section is added after section 25 of the act 57 Victoria, chapter 63 :

First general
election.
Present
mayor and
councillors.

"**25a.** The first general election of the whole council in virtue of the foregoing section shall take place in January, nineteen hundred and six, at the date fixed by law, and the present mayor and councillors shall remain in office until that date.

Sec. added
after 57 V., c.
63, s. 30.

9. The following section is added after section 30 of the said act :

Holder of
license for
sale of
spirituous
liquors, &c.,
also dis-
qualified as
member of
council.

"**30a.** Any person who has, or, within the twelve months, has had a license for the sale of spirituous liquors, or who has or has had an interest, directly or indirectly, in a liquor business for which a license has been obtained, or who has or has had within the twelve months an interest, directly or indirectly, in a store or place of business of any kind in which a trade in spirituous liquors is carried on and for which a license should be obtained, shall also be disqualified from being appointed a member of the council or acting as such.

The fact of being proprietor of an immovable where the liquor business is carried on does not of itself constitute an interest within the meaning of this act.

Interest defined as to certain proprietors.

10. Section 45 of the said act is replaced by the following :

57 V., c. 63, s. 45, replaced.

“ **45.** The general elections are held every second year, in the month of January.

Time for elections.

The nomination of candidates takes place on the third Monday in January.

Nomination.

When a poll is necessary it is held on the fourth Monday in January.”

Polling.

11. Section 47 of the said act is replaced by the following :

57 V., c. 63, s. 47, replaced.

47. Article 4235 of the Revised Statutes is replaced, for the city, by the following :

R. S., 4235, replaced for city.

“ The city clerk is *ex officio* presiding-officer at the elections. The presiding-officer appoints an election clerk to assist him in the performance of his duties relating to the elections ; and, in the event of his absence or of his inability to act, the election clerk performs all the duties of the presiding-officer and is liable to the same penalties and appoints another election clerk to act in his place.”

Presiding officer.

Election clerk, &c.

12. Article 4232 of the Revised Statutes is replaced, for the city, by the following :

R. S., 4232, replaced for city.

Eight days before each general election, the city clerk gives a public notice announcing such election and convening the electors of the municipality in a general meeting for the nomination at the time and place indicated.

Notice of election.

13. The following sections are added after section 91 of the act 57 Victoria, chapter 63 :

Secs. added after 57 V., c. 63, s. 91.

“ **91a.** The council may appoint the officers its deems necessary for the exercise of the powers conferred upon it, and may grant them such salaries or other remuneration as it may deem advisable.

Appointment of officers.

“ **91b.** The council may, by by-law, define the duties of its officers which are not specified by law :

Duties of officers.

“ **91c.** The permanent officers of the council are a recorder, appointed and remunerated as provided by this act, a city clerk and a treasurer.

Permanent officers.

“ **91d.** Such officers, with the exception of the recorder, are appointed during good behavior and cannot be removed, nor their salary decreased, unless by a majority of the whole council.”

Duration in office.

R. S., 4313,
replaced for
city.
Oath of office.

14. Article 4313 of the Revised Statutes is replaced, for the city, by the following :

After his appointment and before entering into office, every municipal officer must make oath to well and faithfully perform the duties of his office.

R. S., 4326,
replaced for
city.
Security of
officers.

15. Article 4326 of the Revised Statutes is replaced, for the city, by the following :

The council may exact, from any persons appointed by it, such security as it may deem sufficient for the thorough and faithful performance of the duties devolving upon them.

R. S., 4346,
replaced for
city.

16. Article 4346 of the Revised Statutes is replaced, for the city, by the following :

Actions to
account
against cer-
tain persons.

The council may sue every employee accountable for moneys of the municipality to compel him to render an account thereof, and he shall, if necessary, be sentenced to render an account and to pay the amount which he is declared to owe with interest and costs of suit.

Coercive im-
prisonment.

The judgment carries with it coercive imprisonment.

R. S., 4309,
replaced for
city.

17. Article 4309 of the Revised Statutes is replaced, for the city, by the following :

Keeper of
archives.
City clerk.

The council shall always have an officer as keeper of its office and archives.

Such officer is called the city clerk.

R. S., 4349,
replaced for
city.

18. Article 4349 of the Revised Statutes is replaced, for the city, by the following :

Where city
clerk's office
is held.

The clerk's office is established in the place where the sessions of the council are held, or in any other place fixed, from time to time, by resolution of the council.

R. S., 4336,
replaced for
city.

19. Article 4336 of the Revised Statutes is replaced, for the city, by the following :

Clerk cus-
todian of
books, &c.

The clerk has the custody of all the books, registers, plans, maps, archives and other documents and papers which are either the property of the council or are produced, fyled and preserved in the office of the municipality.

Not to divest
himself of
their posses-
sion, &c.

He shall not divest himself of the custody of any of such things, except with the permission of the council or upon an order of a competent court.

R. S., 4337,
replaced for
city.

20. Article 4337 of the Revised Statutes is replaced, for the city, by the following :

Attends
sessions,
draws up
minutes.

The clerk must attend all sessions of the council and draw up minutes of all the acts and proceedings thereof.

Signatures to
minutes, &c.

All minutes of the sittings of the council are signed by the chairman and countersigned by the clerk.

21. Article 4344 of the Revised Statutes is replaced, for the city, by the following :

R. S., 4344,
replaced for
city.

The clerk is bound to deliver to any person applying for the same, on payment of the fees fixed by the council, copies of or extracts from any book, roll, register, document, or other paper which forms part of the archives.

Copies to be
delivered by
clerk, &c.

22. Article 4338 of the Revised Statutes is replaced, for the city, by the following :

R. S., 4338,
replaced for
city.

Copies and extracts certified by the clerk from all books, registers, archives, documents and papers preserved in the office of the municipality are evidence of their contents.

Copies, &c.,
to be evi-
dence.

23. Article 4343 of the Revised Statutes is replaced, for the city, by the following :

R. S., 4343,
replaced for
city.

The registers and documents in the possession of the clerk, and forming part of the archives of the council, are open during office hours to the inspection and examination of the ratepayers of the municipality and their attorneys.

Registers,
&c., open to
public inspec-
tion.

24. Article 4347 of the Revised Statutes is replaced, for the city, by the following :

R. S., 4347,
replaced for
city

The clerk, between the first and thirty-first days of January, in each year, transmits to the Provincial Secretary a return showing :

Annual re-
turns to be
made by clerk
to Provincial
Secretary,
and what to
contain.

1. The name of the municipality ;
2. The estimated value of the taxable real estate ;
3. The estimated value of the real estate not subject to taxation ;
4. The number of persons paying taxes ;
5. The rate of assessment in the dollar imposed for all purposes whatsoever ;
6. The value of the property of the corporation ;
7. The amount of taxes collected within the year ;
8. All other sums collected ;
9. The amount of arrears of taxes ;
10. The capital amount due to the consolidated municipal loan fund ;
11. The amount of loans raised by the municipality by means of debentures or otherwise ;
12. The rate and the amount of interest due upon such loans ;
13. All other debts ;
14. The amount obtained by means of loans during the year.

15. The expenditure for salaries, and other expenditure for municipal administration ;
16. All other expenditure ;
17. The number of persons resident in the municipality.

R. S., 4327,
replaced for
city.

Appointment,
&c., of assist-
ant clerk.

25. Article 4327 of the Revised Statutes is replaced, for the city, by the following :

The assistant clerk, if one be appointed by the council, may perform all the duties of the office of clerk, with the same rights, powers and privileges and under the same obligations and penalties.

In case of
vacancy in
office of clerk.

In the case of a vacancy in the office of clerk, the assistant clerk shall continue to perform the duties of the office until the vacancy is filled.

TREASURER

R. S., 4339,
replaced for
city.

Depositary of
moneys.

City treas-
urer.

26. Article 4339 of the Revised Statutes is replaced, for the city, by the following :

The council shall always have an officer who shall be the collector and depositary of all the moneys of the municipality.

Such officer is called the city treasurer.

Where office
of city treas-
urer is held.

27. The office of the treasurer shall be established at the place where the sittings of the council are held or at any other place fixed, from time to time, by resolution of the council.

R. S., 4340,
replaced for
city.

Deposit of
funds of city
by treasurer.

28. Article 4340 of the Revised Statutes is replaced, for the city, by the following :

The treasurer shall deposit, in the name of the city, in any corporate bank the moneys arising from municipal taxes or dues, or belonging to the municipality, and may allow them to remain there, until they are employed for the purposes for which they were levied, or until disposed of by the council.

Books of ac-
count &c., to
be kept by
him.

29. The treasurer keeps books of account in good and proper form, in which he enters by order of date, every item received and expended, mentioning the persons who have paid moneys into his hands or to whom he has paid any.

Vouchers.

He keeps all the vouchers for expenditure in his office.

R. S., 4342,
replaced for

30. Article 4342 of the Revised Statutes is replaced, for the city, by the following :

Under penalty of a fine of twenty dollars for each infraction, no treasurer shall :

Under penalty treasurer not to grant discharges without payment, or

a. Grant discharges to ratepayers or other persons indebted to the city for municipal taxes or other debts, without having actually received the amount, in cash or in lawful value, or by cheque accepted by a bank ;

b. Lend to any person, directly or indirectly, by himself or by others, moneys belonging to the city.

Lend city moneys.

31. The treasurer's books of account and vouchers for his expenditure are open during office hours for inspection and examination to the ratepayers of the municipality or their attorneys.

Books of account, &c., open to inspection of ratepayers.

32. The treasurer is bound to deliver to any person applying for the same, on payment of the fees fixed by the council, copies of or extracts from any book, roll, register, document or other paper in his custody.

Copies of documents to be furnished by treasurer.

33. Copies of, and extracts from the books, registers, archives, documents and papers in the custody of and certified by the treasurer are evidence of their contents.

Copies, &c., to be evidence.

34. Article 4345 of the Revised Statutes is replaced, for the city, by the following :

R. S. , 4345, replaced, for city.

Once a year, at the time fixed by the council and oftener if required, the treasurer is bound to render a detailed account of his receipts and expenditure.

Account to council.

35. Article 4348 of the Revised Statutes is replaced, for the city, by the following :

R. S. , 4348, replaced for city.

All actions, claims or demands against the treasurer, resulting from his administration, are prescribed in five years from the date of the last account rendered by him.

Prescription of suits against treasurer.

36. The following sections are added after section 92 of the act 57 Victoria, chapter 63.

Sec. added after 57 V., c. 63, s. 92.

" **92a.** The council shall, at the first sitting thereof, after the annual elections or as soon thereafter as possible, appoint one or two auditors who shall perform the duties of their office until the entry into office of their successors.

Appointment of auditors and term of office.

" **92b.** The council shall appoint every year, by resolution, as many valuator as it may deem necessary.

Appointment of valuator.

The valuator remain in office until their successors are appointed.

Term of office.

The council, from time to time, determines the remuneration of the valuator and designates which one is to act as chairman of the board, if it thinks proper.

Remuneration thereof.

Division of work. The council determines the manner in which the valuator are to divide the work ”

Sec. added after 57 V., c. 63, s. 181.

Proviso as to construction of sewers, &c.

Connections with drains.

Sec. added after 57 V., c. 63, s. 271.

Rates may be levied upon proprietors only.

Subrogation of proprietors in city's rights in certain cases.

57 V., c. 63, s. 272, replaced.

Annual valuation roll to be made.

R. S., 4505, replaced for city.

Deposit of valuation roll and notice thereof.

Contents of notice.

37. The following section is added after section 181 of the said act :

“ **181a.** When a sewer runs along lands under cultivation, and the cost of the sewer to be charged to the owners of such land under cultivation amounts to more than three hundred dollars, the council may, on being secured by first mortgage on the said lands, make special arrangements for the payment of the cost of such portion of the sewer.

The city may also, when proprietors, who have not contributed to the construction of sewers, wish to make connection with such sewers, charge them, before allowing such connections to be made, the amount of their share of an ordinary sewer based on the assessment levied for such sewer.”

38. The following section is added after section 271 of the said act :

“ **271a.** The council may also, by by-law, levy the said rates and cause the same to be paid by the proprietors of immoveables only.

In such case, the said proprietors are, as regards leases then in force on the adoption of a by-law, subrogated in the rights of the city, and may recover from their lessees the amount of the water-rate paid by them to the city.”

39. Section 272 of the said act is replaced by the following :

“ **272.** It is the duty of the valuator in office to make each year, between the fifteenth of May and the fifteenth of June or at any other time which the council may order, the valuation of the taxable property of the city according to its real value.”

40. Article 4505 of the Revised Statutes is replaced, for the city, by the following :

The valuator deposit the valuation roll in the office of the council immediately after its completion, and notice of such deposit is given by the clerk in the two days following :

The notice further states that the roll will remain open to the examination of parties interested or their representatives for the fifteen days next after that of the deposit thereof.

41. Article 4507 of the Revised Statutes is replaced, for the city, by the following :

R. S., 4507, replaced for city.

The council, at its first general or special session after the expiration of the fifteen days mentioned in the foregoing article, takes into consideration and decides all the complaints made in connection with the said valuation roll.

Consideration of complaints against roll.

After having heard the parties and their witnesses, under oath, administered by its presiding officer, as also the valuers, if they wish to be heard, the council maintains or alters the roll, as it seems meet.

Roll to be maintained or altered after hearing parties, &c.

42. Section 366 of the act 57 Victoria, chapter 63, is replaced by the following :

57 V., c. 63, s. 366, replaced.

“ **366.** The amounts so appropriated shall never exceed that of the receipts of the previous year added to the balance of such receipts remaining unexpended.

Limit of appropriations.

The receipts shall comprise only the sums collected on the assessments of the previous years, without including arrears.

What receipts to comprise.

The council may always, if there be moneys available, after having employed the sums shown in its estimates, dispose of the same by means of supplementary estimates.”

Supplementary estimates.

43. Section 416 of the said act is replaced by the following :

57 V., c. 63, s. 416, replaced.

“ **416.** The clerk of the recorder's court is appointed by the council during good behavior, and is *ex-officio* a justice of the peace for the district in which the municipality is situated.

Appointment of clerk of recorder's court.

He has the custody of the seal of the court.”

Seal in his custody.

44. Articles 4311, 4325, 4328 and 4346 of the Revised Statutes do not apply to the city.

R. S., 4311, 4325, 4328, 4346 not to apply.

45. Section 298 of the act 57 Victoria, chapter 63, is replaced by the following :

57 V., c. 63, s. 298, replaced.

“ **298.** Upon every person habitually exercising in the town the profession of advocate, physician, notary, surgeon, dentist, veterinary surgeon, oculist, artist, land-surveyor, architect, civil engineer, bailiff, or any other profession, or acting as clerk of any court whatever or as a civil service official or employee, a sum not exceeding fifteen dollars.

Professional tax.

Every partnership for the exercise of the professions mentioned in this section shall be responsible for the tax imposed upon each of the partners, without prejudice to the recourse against each of the partners for his respective share.

Partnerships to be responsible for taxes, &c.

The professional tax is exigible from every person who is liable therefor, even when he does not reside in the town, if he has an office therein.

From whom exigible.

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

Coming into force.