

C H A P. 67

An Act to incorporate the town of Beauceville

[Assented to 2nd June, 1904]

WHEREAS the Honorable Joseph Godbout, senator ; Preamble.
 William Brouages Chaussegros De Léry, advocate ;
 Taschereau Fortier, registrar ; Pierre Ferdinand Renaud, mer-
 chant, Cyprien Fortin, merchant ; Alfred Fortier, merchant ;
 Philippe Angers, notary ; Félix George Fortier, notary ;
 Elzéar Miville Déchène, physician ; Basile Desrochers, phy-
 sician ; Henri Alexandre LaRue, physician ; Homer Fau-
 teux, dentist, and Louis Veuilleux, broker, all of the parish
 of St François d'Assise in the county of Beauce, have, by
 their petition, represented that, owing to the increase of its
 population, it is expedient that the village of the parish of
 St. François d'Assise, in the county of Beauce, be incorpo-
 rated as a town for all municipal and school purposes under
 the name of the town of Beauceville ;

Whereas the exceptional situation of the village renders
 changes in the general law necessary ;

Whereas the provisions of the Municipal Code no longer
 meet the requirements of that portion of the parish of St.
 François d'Assise in the county of Beauce ;

And whereas it is in the public interest that their peti-
 tion be granted ;

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

SECTION I

INCORPORATION OF THE TOWN

1. The territory hereinafter described is detached from the municipality of St. François de la Beauce, is erected into a town under the name of " Beauceville," and shall constitute a municipality distinct and separate from the county of Beauce for all municipal and school purposes, and the inhabitants of the said territory and their successors shall constitute a corporation under the name of " the corporation of the town of Beauceville."

Certain ter-
ritory erected
into a town.
Name.
Separated
from county
of Beauce.
Inhabitants
incorporated.
Name.

SECTION II

TRANSITORY PROVISIONS

2. Except in so far as they may be inconsistent with this act, all by-laws, *procès-verb aux*, resolutions, orders, lists, valuation rolls, assessment rolls, ordinances, decisions, contracts, &c.

Present by-
laws govern-
ing territory
&c.

debentures, bonds, accounts for dues, claims and other matters or things done and made by the corporation of the parish of St. François d'Assise of the county of Beauce, affecting the territory hereinafter described or its inhabitants, and the parish of St. François d'Assise, shall remain in force in the town of Beauceville and in the said parish of St. François d'Assise, until repealed, replaced or amended by the corporation of the town of Beauceville.

Certain bridge not affected.

The preceding paragraph shall not apply to the by-laws *procès-verbaux*, resolutions, orders, assessment rolls, ordinances, decisions, bonds, accounts for dues, claims and other matters or things made by the said corporation of the parish of St. François d'Assise in the county of Beauce, respecting the bridge over the river Chaudière within the limits of the town of Beauceville, which shall be exclusively at the charges and under the responsibility of the corporation of the town of Beauceville

Proviso.

Nothing contained in this article shall have the effect of validating any of the said by-laws.

Present mayor and councillors of parish.

3. The mayor and councillors of the parish of St. François d'Assise, in the county of Beauce, shall remain in office and act as mayor and councillors of the town of Beauceville until their successors are elected in virtue of this act.

Present municipal officers of parish

4. The municipal officers of the parish of St. François d'Assise, in the county of Beauce, shall continue to perform their respective duties throughout the extent of the town until they are replaced in accordance with this act.

Corporation succeeds to parish in certain rights, &c.

5. The corporation shall succeed to all the rights and obligations of the corporation of the parish of St. François d'Assise, in the county of Beauce, in so far as the territory hereinafter described may be concerned.

SECTION III

BOUNDARIES AND WARDS OF THE TOWN

Boundaries of town.

6. The territory of the town of Beauceville, for municipal and school purposes, shall be bounded as follows :

All the land starting on the south-west side of the River Chaudière, from a point on the division line of lots Nos. 1523 and 1524, of the cadastre for the parish of St. François d'Assise, in the county of Beauce, eight arpents from the river Chaudière running south eastward, in a straight line to a point situate between the road called *route de l'église*, and lot No. 1532, at a distance of eight arpents and a half from the river Chaudière; thence, across the said lot No.

1532, at a right angle to lot No. 1543, to a point distant seven arpents and three perches from the river Chaudière, and continuing from that point in a straight line, to a point between lots Nos. 1546 and 1560, seven arpents and one perch from the river Chaudière; thence running along lot No. 1560 on the south-west side to the south-west angle of the said lot, and continuing to the south-east in a straight line to a point on the division line of lots Nos. 1568 and 1570, at a distance of five arpents from the said river; thence, following the said division line towards the river and there crossing the said river, to a point on the north-east side of the river Chaudière, and from this point reascending the course of the river on the north-east side to the division line of lots Nos. 175 and 176, reascending this last line to a point situated at a distance of six arpents two perches and nine feet, continuing towards the north-west across lot No. 175 to a point between lots Nos. 175 and 174, at a distance of seven arpents and three perches from the river Chaudière; thence, continuing towards the north-west in a straight line to a point on the division line of lots Nos. 172 and 173, this latter point being the north angle of a lot belonging to N. T. Turgeon & Co.; thence, continuing towards the north-west in a straight line, to a point situated on the division line of lots Nos. 160 and 162, at a distance of ten arpents and a half from the river Chaudière; thence, continuing towards the north-west in a straight line, to a point situate on the division line of lots Nos. 94 and 96, at a distance of eight arpents from the river Chaudière; thence, towards the river, following such division line and taking in lot No. 95 of the cadastre, being of irregular outline, and thence, across the said river Chaudière and reaching on the south-west side, the division line between lots Nos. 1523 and 1524, and following it to the point firstly designated,— this territory to comprise the islands and islets of the river Chaudière, situate within the aforesaid limits.

7. The town shall be divided into four wards for purposes of representation, to wit: Wards No. 1, No. 2, No. 3 and No. 4.

Ward No. 1 shall comprise the territory of the town situate on the south-west side of the river Chaudière, starting from cadastral lot No. 1524, inclusively, to the middle of the road called *route de l'église*, and continuing in a straight line to the said river, including lot No. 1538 of the cadastre of the parish of St. François de la Beauce.

Ward No. 2 shall comprise all the territory of the town on the south-west side of the river Chaudière, starting from the limits of Ward No. 1, to cadastral lot No. 1568, inclusively, to the south-eastern extremity of the town on the said south-west side of the river Chaudière, including the islands above the iron bridge across the Chaudière river.

Ward No. 3. Ward No. 3 shall comprise all the territory of the town on the north-east side of the river Chaudière, starting from cadastral lot No. 175, inclusively, to the stream called *le ruisseau Bertrand*.

Ward No. 4. Ward No. 4 shall comprise all the territory of the town on the north-east side of the river Chaudière from the stream called *le ruisseau Bertrand* to the north-western extremity of the town, including the islands below the iron bridge aforesaid.

SECTION IV

ELECTION OF THE MAYOR AND ALDERMEN

First general election for mayor and aldermen. **8.** The first general election of the mayor and aldermen shall take place on the fortieth juridical day after the coming into force of this act.

Nomination. The nomination shall take place at ten o'clock in the forenoon on the said day and the polling, if necessary, on the eighth juridical day following, from seven o'clock in the forenoon to five o'clock in the afternoon.

Where nomination and polling to be held. The nomination for the first general election and the polling shall be held at the places indicated by the returning officer

Returning officer for first election. **9.** The returning-officer for the first general election shall be the secretary-treasurer, then in office, of the municipality of St. François de la Beauce.

SECTION V

COUNCIL OF THE CORPORATION AND ELIGIBILITY OF MEMBERS OF THE COUNCIL

3 Ed VII, c. 38, art 47, replaced. **10.** Article 47 of the Cities and Towns' Act, 1903, is replaced, for the town, by the following :

Term of office of mayor and how elected. The mayor is elected for two years by the majority of the municipal electors of the municipality who have voted.

Number of aldermen. **11.** The number of aldermen shall be eight, two per ward.

From what ward mayor to be chosen. The mayor shall be chosen for the first election to be made in ward No. 1 or ward No. 2.

Id., 56, replaced for town. **12.** Article 56 of the said act is replaced, for the town, by the following :

Pro-mayor and his powers. At the first session of each of the months of January and July of each year, the council shall appoint one of its members as pro-mayor, who shall have and exercise all the

powers vested by law in the mayor, whenever the latter is absent from the municipality or unable to perform the duties of his office.

13. The second paragraph of article 17 of the said act is repealed, for the town, and article 157 of the said act is replaced, for the town, by the following : Id., 17, § 2 repealed, and 157 replaced, for town.

Four aldermen elected at the first election, to wit : one in each ward, shall remain in office only until the first juridical day of February following the first election and four other aldermen, elected at the first election to wit : one in each ward, shall remain in office only until the first juridical day of the second month of February following the first election. Retiring of aldermen elected at first election.

The four aldermen going out of office on the first juridical day of the month of February following the election, shall be designated by lot at a session of the council in the manner prescribed by the council. Choice by lot of aldermen to retire after first election.

In the event of the council neglecting to proceed with such drawing of lots, the officer presiding over the election shall proceed to do so publicly on the day of the nomination of aldermen, immediately after the opening of the meeting. If lots have not been drawn.

The subsequent elections for mayor shall take place every two years, and for one alderman for each ward every year, on the first juridical day of February, in accordance with the provisions hereinafter set forth. Subsequent elections.

The mayor elected at the first election shall remain in office until the first juridical day of the month of February, 1906. Term of office of first mayor.

14. Article 108 of the said act is replaced, for the town, by the following : Id., 108, replaced for town.

No person shall be elected or nominated for the office of mayor or alderman nor fill the same, unless, during the twelve months immediately preceding such nomination, he has had and possessed as owner, in his own name or in that of his wife, immoveable property in the town of the value of five hundred dollars for the office of mayor and three hundred for that of alderman, after payment or deduction of all charges on such immoveable property,—the qualification prescribed by this article to be established by the valuation roll in force at the date of such nomination. Qualifications of mayor and aldermen.

SECTION VI

SESSIONS OF THE COUNCIL

15. The first general session of the council shall be held at the place fixed by the mayor elect at half past seven o'clock in the evening of the eighth juridical day following the proclamation of the persons elected. First session of council when and where to be held.

SECTION VII

SECRETARY TREASURER

Id., 101, re-
placed for
town.

Secretary
treasurer.

16. Article 101 of the said act is replaced, for the town, by the following :

The council shall have but one person to fill the office of clerk and treasurer, and the officer filling such offices shall be called the secretary-treasurer

SECTION VIII

BY LAWS OF THE COUNCIL

Id. 365, re-
placed for
town.
Approval of
certain by-
laws how
effected.

17. Article 365 of the said act is replaced, for the town, by the following :

When a by-law has to be approved by the municipal electors who are owners of immoveable property it shall be so approved, in the case of a by-law affecting the general interests of the town, by the majority of the electors on each side of the river Chaudière, the south-west side comprising wards No. 1 and No. 2 and the north-east side comprising wards No. 3 and No. 4.

The same.

When a particular interest of one side of the said river shall be affected, such by-law shall be approved by the municipal electors who are owners of immoveable property on such side of the river only.

Width of
streets.

18. The council may, by by-law, determine the width of the streets of the town and make such width less than sixty-six feet ; but in the latter case the by-law shall be submitted for the approval of the Lieutenant-Governor in Council.

SECTION IX

NON-TAXABLE PROPERTY

Id., 473, re-
placed for
town.

Non-taxable
property.

19. Article 473 of the said act is replaced, for the town, by the following :

The following property is not subject to taxation :

- (a) All lands belonging to His Majesty or held in trust for the service of His Majesty ;
- (b) The property of the Federal and Provincial Governments, that of the county council, that of the municipality of St. François de la Beauce and that of the town municipality ;
- (c) The property held and occupied for public worship, presbyteries, parsonages and cemeteries ;

- (d) All educational establishments, as well as the land upon which the same are situate, and lands used for their purposes ;
- (e) All buildings and lands occupied and possessed by a charitable establishment ; but the property possessed by religious institutions, as well as by charitable and educational corporations for the purpose of deriving revenue therefrom, shall not be exempt from taxation.

Provided, nevertheless, that the said exemption shall not extend to lands or to buildings erected upon lands leased or occupied under lease from the Government ; the said lands belonging to the Government and occupied under lease shall be assessed in the same manner as any other immoveable property, and the assessments shall be paid by the lessee or occupant as if they had been assessed against the lessee or occupant personally.

Government property leased to other persons.

The proprietors, lessees, and occupants of the property mentioned in paragraphs *c*, *d*, and *e* of this article, shall nevertheless be subject to the works required for the opening and maintaining of streets, water-courses and public lighting, under the by-laws, and shall be liable for the payment of any special tax or assessment made for such purposes, as well as for the payment for the use of water.

Proviso.

SECTION X

IMPOSITION OF TAXES

20. Article 477 of the said act is replaced, for the town, by the following :

Id., 477, replaced for town.

The council may impose and levy an annual tax, to be fixed by by-law, upon every stallion kept for breeding, upon every bull kept for breeding, and upon every dog kept in the municipality.

Certain special taxes.

SECTION XI

LOANS

21. Notwithstanding the provisions of article 525 of the Cities and Towns' Act, 1903, the council may, by simple resolution and without taking the vote of the rate payers, issue notes payable at such places and on such terms and conditions as it may deem advisable, to settle accounts and other current matters, provided the total amount of such notes shall not, at any time, exceed the sum of three thousand dollars.

Power to contract loans on resolution.

SECTION XII

MISCELLANEOUS PROVISIONS

Certain rights and privileges not affected. **22.** Nothing in this act shall affect the rights and privileges already conceded by the corporation of the parish of St. François d'Assise in the county of Beauce.

Payment of expenses other than those of administration. **23.** All expenses, other than those of mere administration, shall be paid by the portion of the town on that side of the river Chaudière for which such expense shall have been incurred and shall be voted by the majority of the aldermen of the two wards on such side of the river and, in case of an equal division of votes, the mayor shall have the casting vote.

Exception. This article shall not apply to the opening of any new road or new street which is hereby declared to be in the general interest of the town.

Division of debts between existing municipality and the town. **24.** The debt of the municipality of St. François de Beauce, in the county of Beauce, shall be divided between the said municipality and the town in proportion to the valuation of the taxable property according to the valuation roll in force in the municipality when this act is sanctioned, and the share of the said debt payable by the town shall be paid to the secretary-treasurer of the municipality of St. François de Beauce, on or before the first of January, 1905.

Town a distinct school municipality and election of commissioners when and how held. **25.** The town shall constitute a distinct school municipality, and the school commissioners shall be elected, for the first election, fifty days after the coming into force of this act, in accordance with the provisions of the Education Act.

Certain articles of 3 Ed. VII, c. 38, not to apply to town. **26.** The following articles of the Cities and Towns' Act 1903, shall not apply to the said town, to wit: articles 169, respecting the deposit accompanying the nomination paper; 298, 299, 300, respecting the election of mayor by the council, and 555 to 605, inclusively, respecting the recorder's court.

Expenses of this act by whom to be paid. **27.** The cost of this act shall be paid by the corporation of the town of Beauceville.

Coming into force. **28.** This act shall come into force on the day of its sanction.