

299. Articles of the Revised Statutes which are derogated from by this act shall not be a derogation from the general law governing town corporations except for the town of Fraserville.

Declaration as to repealed articles of Revised Statutes.

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

Coming into force.

CHAP. 70

An Act to incorporate the town of Arthabaska

[Assented to 25th April, 1903]

WHEREAS the village of Arthabaskaville has, by petition, prayed to be incorporated as a town and whereas it is expedient to grant its prayer ;

Preamble.

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

1. The territory comprised within the limits hereinafter set forth is erected into a town municipality under the name of "The town of Arthabaska," and the inhabitants of the said village are constituted a town corporation under the name of "The Corporation of the town of Arthabaska".

Certain territory erected into a town. Name. Inhabitants created a corporation. Name.

2. The town shall be separated from the county of Arthabaska for all municipal purposes.

Separated from county.

3. The corporation of the town of Arthabaska is governed by the provisions of the law concerning town corporations, contained in chapter first of title eleventh of the Revised Statutes, except where otherwise expressly derogated therefrom by this act or by the inconsistent provisions it may contain.

Law to govern corporation.

SECTION II

BOUNDARIES AND DIVISION INTO WARDS

4. The boundaries of the town of Arthabaska are the same as those of the village of Arthabaskaville, as defined by the act 51-52 Victoria, chapter 33, and, to remove all

Boundaries of town.

doubts as to its limit on the side of the Nicolet river, such limit is declared to follow the middle of the said river at low water, throughout its course before the town.

Division into wards.

5. The town is divided into three wards :

West ward ;

West ward, which comprises that portion of the territory of the town situated to the south-west of Court street as far as Church street, and that portion situated to the north-west of Church street from the corner of Court street to the western limit of the town, and adjacent streets ;

North ward.

North ward, which comprises that portion of the territory situated to the north-east of Court street, as far as Church street, and that portion situated to the north-west of Church street from Court street to the northwestern boundary of the town, and the adjacent streets ;

East ward.

East ward, which comprises all that portion of the territory situated to the south-east of Church street, and the adjacent streets.

R. S., 4472, amended for town.

6. The following paragraph is added, for the town, to article 4472 of the Revised Statutes :

Change in number and boundaries of wards.

Whenever it is deemed necessary, in consequence of important changes in the number of the houses and in the population of any ward, and it is in the interest of the town so to do, the council may, after special notice of motion served upon all the members of the council, change, by by-law, the number and the boundaries of the ward, but such change shall take effect only at the date of the following elections.

SECTION III

ANNEXATION OF TERRITORY

Annexation of territory.

7. The town council may, by by-law, annex to the town any immoveable or part of an immoveable situated in any adjacent municipality, provided the council of such municipality, as well as the owners or the majority of the owners interested, consent to such annexation, on the terms agreed upon between the parties.

To form part of adjacent ward.

Such annexed territory shall form part of the ward to which the same is adjacent.

SECTION IV

TRANSITORY PROVISIONS

Existing *procès-verbaux*, &c.

8. All *procès-verbaux*, assessment rolls, titles, statements of dues, by-laws, orders, lists, rolls, plans, resolutions, ordinances, agreements, provisions, engagements or municipal acts

whatsoever, passed and agreed to by the mayor and council of the said village, shall continue to have full force and effect, until they are cancelled, amended, set aside or accomplished or unless they be inconsistent with this act.

9. All promissory notes, bonds, debentures, obligations and engagements whatsoever, lawfully subscribed, issued or contracted by the council of the said village, up to the coming into force of this act, shall have all their legal effect.

Notes, &c., signed, &c., before coming into force of this act.

10. The town of Arthabaska succeeds to all the rights, property and obligations of the village of Arthabaskaville.

Town to succeed to village in all its rights, &c.

11. The mayor and the councillors of the village of Arthabaskaville, in office on the coming into force of this act, shall remain in office, as mayor and councillors of the town, until the first session after the first general election shall have been held.

Present mayor and councillors of village.

12. The officers of the council of the village of Arthabaskaville shall be and remain the officers of the town until replaced by the town council.

Present officers of village.

SECTION V.

TOWN COUNCIL

13. The town council shall consist of a mayor and six councillors: the councillors shall be two in number for each ward, and the quorum of the council shall be four including the mayor.

Composition of council. Quorum.

SECTION VI

QUALIFICATION OF ELECTORS

14. The following paragraph is added, for the town, to article 4227 of the Revised Statutes:

R. S., 4227, amended for town.

Spinsters and widows of the full age of majority are entitled to be entered on the list of municipal electors and to vote at all municipal elections, and upon all questions or matters submitted to the electors, provided they be qualified as proprietors of real estate and possess the other qualities required by law to be electors.

Spinsters and widows to be entered on list of electors and to have right to vote.

15. The following paragraph is added, for the town, to article 4227 of the Revised Statutes:

R. S., 4227, amended for town.

When two or more persons are coproprietors, cotenants, or co-occupants of real estate valued at an amount sufficient

Coproprietors and cotenants, &c.

to qualify each of them, each of such coproprietors, cotenants or co-occupants is an elector under this act, and is entitled to be entered on the list of electors, provided the interest of each one be sufficient to qualify him.

R. S., 4530,
amended for
town.

16. The following paragraph is added, for the town, at the end of article 4530 of the Revised Statutes :

Proprietors
only to vote
upon certain
by-laws sub-
mitted for
approval.

No municipal elector, unless he or his wife be entered on the valuation roll as proprietor of immoveables qualifying him as such, shall have the right to vote on any by-law affecting the credit of the town or increasing the debt thereof in any manner whatsoever, or according special privileges.

SECTION VII

ELECTIONS

First election
of mayor and
councillors
under act.

17. The first election of mayor and councillors shall be held on the first Monday of June, 1903, at ten o'clock in the forenoon, at the place where the sessions of the council of the village of Arthabaskaville are usually held.

R. S., 4195,
replaced for
town.

18. Article 4195 of the Revised Statutes is replaced, for the town, by the following :

Term of office
of mayor ;

The mayor is elected by all the electors of the town and for the term of two years, except for the first term which shall end at the elections of 1905.

Of council-
lors.

The councillors are elected for three years, except in the case provided for in article 4197 of the Revised Statutes, and subject to the restriction set forth in the following paragraph.

Retiring of
certain coun-
cillors.

At the first election following the coming into force of this act, the two councillors of the West ward shall be elected up to the following month of January only, and the two councillors for the North ward shall be elected, only up to the first day of January, 1905, and the two others to the first of January, 1906.

R. S., 4207,
replaced for
town.

19. Article 4207 of the Revised Statutes is replaced, for the town, by the following :

Signature to
debentures,
&c.

Unless the council otherwise provides, he signs, seals and executes, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, and the secretary-treasurer countersigns them.

R. S., 4231,
replaced for
town.

20. Article 4231 of the Revised Statutes is replaced, for the town, by the following :

Election of
mayor and

At each such election a mayor is elected, if the office of mayor be vacant, in accordance with article 18 of this act,

and as many councillors as are required by this act in the case of the first election, or as go out of office in the following elections.

SECTION VIII

POWERS OF THE COUNCIL

- 21.** The following article is added, for the town, after article 4447 of the Revised Statutes :
- (a) To prevent trotting or racing on the bridges and in the streets at a faster rate than that fixed by the by-laws ; Art. added after R. S., 4477, for town. Prevent racing, &c.
 - (b) To prohibit the placing of pipes as chimneys through roofs; determine in certain cases the materials of which houses and roofs shall be made, and determine the line on which buildings shall be placed on the streets ; Prohibit placing of pipes on roofs, &c. ;
 - (c) To make by-laws with reference to wood- and coal-yards and the measuring of wood and coal ; Make by-laws respecting wood-yards, &c. ;
 - (d) To suppress games of strength, skill and hazard, or authorize the same by license ; restrict, regulate or prohibit the keeping of public billiard-halls, shows, pigeon-hole tables or other similar establishments ; Suppress games of skill, &c. ;
 - (e) To make by-laws respecting the keeping of taverns, restaurants and places of public entertainment ; Regulate taverns, &c. ;
 - (f) To prevent filth and dirt from being thrown into the streets, ditches or water-courses or on the sidewalks, and order their removal ; Prevent filth being thrown into streets, &c. ;
 - (g) To regulate the construction of privies, cellars, drains and ovens, as well as the use of steam-engines in workshops and factories, and determine the distance at which the same may be erected from other buildings ; Regulate construction of privies, &c.
 - (h) To prohibit any person from maintaining, keeping or using abattoirs within the limits of the town, or regulate the construction and maintenance of such abattoirs ; Restrict, &c., abattoirs, &c.

22. Article 4404 of the Revised Statutes is replaced, for the town, by the following :

To aid towards the making of bridges, dams, piers, wharves, slides, macadamized or paved roads, steam or electric railways, telephone lines, electric light, or other public works or any industrial establishment, situate wholly or partly within the municipality or in its vicinity, undertaken and

R. S., 4404, replaced for town.

Aid towards bridges, &c.

built by incorporated companies or by the Provincial Government or by one or more individuals or by civil or commercial partnerships :

- (a) By taking and subscribing stock in any company incorporated for the purpose ;
- (b) By giving or lending money to such company or to such individuals or to such commercial or civil partnerships ;
- (c) By securing by endorsement or otherwise the payment of any sum of money borrowed by such company, individual, or commercial or civil partnership ;
- (d) By exempting such industrial establishments from municipal taxes, assessments and rates in accordance with the provisions of section sixth of chapter second of the general law respecting town corporations.

R. S., 4485,
amended for
town.

Power to acquire, &c.,
water-works,
telephone
line, &c.

23. The following paragraph is added, for the town, to article 4485 of the Revised Statutes :

5. To acquire and manage one or more water-works, water-powers and telephone lines, as well as the materials, works and all necessary accessories for supplying light and water within the limits of the town, and in the vicinity thereof.

SECTION IX

TAXES AND LICENSES

Power to
levy taxes for
expenses of
management,
&c. :

24. For the purpose of levying the moneys required to meet the expenses of management, to provide for improvements and meet the obligations of the town, the town council may, annually, by by-law or resolution, levy, upon moveables and immoveables in the town and upon persons and their various occupations or professions, the special and general taxes hereinafter set forth, to wit :

Upon im-
moveable
property ;

(a) Upon all immoveable property, a sum not exceeding a cent and a half in the dollar on the total real value, as shown on the valuation roll of the town in force ;

Upon stocks-
in-trade, &c. ;

(b) Upon all stocks-in-trade or goods kept by merchants or traders, and exposed for sale on shelves or otherwise in shops or stores or kept in vaults, sheds, yards or other places, an amount not exceeding fifty cents per hundred dollars of the average estimated value of such stocks-in-trade or goods, to the amount of

one thousand dollars, and ten cents per hundred dollars for every additional value, provided that, in no case, shall such tax exceed the sum of twenty dollars ;

(e) Upon every tenant paying rent in the town, an annual sum of at least one dollar, and not exceeding five cents in the dollar on the amount of the rent, when it exceeds twenty dollars per annum ; Upon tenants ;

(d) Upon every person habitually practising in the town the profession of advocate, physician, notary, dentist, surveyor, civil engineer, architect or veterinary surgeon or any other liberal profession, or acting as a public officer or employee, a sum not exceeding ten dollars. Upon certain professional men.

This tax is called the "professional tax."

In the event of a person holding several of the offices taxable under this provision, only one tax shall be exacted. Name of tax ; One tax only to be exacted ;

The persons who are subject to the professional tax are bound to pay the same on account of their employment or the duties they perform in the town when they have an office therein, even when they do not reside therein ; Non-residents liable therefor ;

(e) Upon each stallion kept for breeding purposes, a sum not exceeding ten dollars ; Upon stallions ;

Upon each dog, a sum not exceeding two dollars ; Upon dogs ;

Upon each bicycle, a sum not exceeding two dollars. Upon bicycles.
The person in possession of the animals and articles above enumerated is deemed to be the owner thereof and is taxed in consequence, saving his recourse, if any, against the real owner. Who are reputed proprietors.

Horse-dealers and dealers in bicycles are not subject to the tax imposed on such animals and articles, as regards the horses and bicycles which they buy or keep for sale in the ordinary course of their trade. Persons exempt ;

25. The council may also, in its discretion, impose and levy annually a special tax, called "business-tax," upon all or any persons or companies exercising, practising or carrying on, in the town, any of the kinds of business, occupations, arts, professions, industries, manufactures and means of profit and of livelihood hereinafter mentioned, namely :

(a) Upon every pedlar or itinerant trader residing in the town, a sum not exceeding twenty dollars ; Power to impose business-tax upon : Pedlars, &c. ;

- Brokers, &c. ; (b) Upon every broker, commission merchant, pawn-broker, auctioneer and exchange broker, a sum not exceeding thirty dollars ;
- Brewers, &c. ; (c) Upon every brewer, distiller or wine manufacturer, a sum not exceeding fifty dollars ;
- Persons keeping billiard tables, &c. ; (d) Upon every person keeping billiard, mississippi or pigeon-hole tables, bowling alleys or other similar games, a sum not exceeding twenty dollars ;
- Insurance companies, &c. ; (e) Upon every fire or life insurance company doing business or taking risks in the town or on their agents, a sum not exceeding fifty dollars ;
- Banks, &c. ; (f) Upon every bank and banker and their agents and managers, a sum not exceeding three hundred dollars ;
- Electric telegraph companies, &c. ; (g) Upon every electric telegraph and telephone company and upon every express company and their agents, a sum not exceeding ten dollars, except lines of telegraph used by the railway company for the purposes of the railway :
- Butchers, &c. ; (h) Upon every butcher, grocer, fancy goods, iron or general merchant, druggist, baker, huckster, hawk-er, laundryman, owner or keeper of a coal- or wood-yard, slaughter house or tannery ; upon every dealer in horses ; upon every manufacturer of bricks, soap, glue, ginger-beer or other beer ; upon every owner of mills driven by steam or water power, foundries, manufactories whatsoever, or their agents or managers, or all persons working the same, upon all wheelwrights, blacksmiths, tinmiths ; barbers, tailors, bottlers, shoemakers, printers, newspaper-editors, a sum not exceeding twenty dollars ;
- Contractors ; (i) Upon every contractor, fifty cents per hundred dollars on the amount of the contract, unless he already pays the tax authorized by this act ;
- Beer bottlers, &c. ; (j) On every beer bottler or itinerant seller of beer or wine not residing in the town and who comes therein to sell his wares, a sum not exceeding fifty dollars ;
- Light companies ; (k) Upon every company, firm, or person supplying light in the town, by means of electricity or gas, a sum not exceeding two hundred dollars.
- Non-residents liable to tax. Persons or companies liable to the business-tax are obliged to pay the same, on account of their business or industry within the town, even if they do not reside therein.

Such taxes or specific duties enumerated in this and the preceding clause shall be exigible for carrying on such trade, business or occupation, even when two or more of them are so carried on by the same person or firm, if carried on in separate offices.

Tax exigible for each establishment.

26. The special taxes enumerated in article 25 may be imposed and levied under the form of a permit or license, if the council so decides, and, in such case, it is not necessary that the persons liable to such taxes be mentioned in the valuation and collection rolls.

Tax under art. 25 may be levied under form of license.

27. Every person who, during the fiscal year, carries on or practises any kind of business, trade or occupation, which renders him liable to the business-tax, is bound to pay the whole of such tax, whatever may be the time of the year at which it becomes due, unless the council remits any portion of such tax, on account of the short time to elapse before the end of the fiscal year.

Persons liable to pay full tax even if they carry on business for part of year only. Exception.

28. The business-tax is exigible for carrying on each such trade, business or occupation, even when it is so carried on by the same person, firm or company.

Business-tax payable on each kind of business.

29. The council may levy, by license, for a year or for a determined period or otherwise, upon all persons who do not reside within the limits of the town, and who carry on the business of a peddler or itinerant trader such yearly sum as it may determine, provided such sum does not exceed one hundred dollars.

Power to levy certain sum by way of license from persons selling goods, &c.

30. In case a person bound to take out a license is not provided with the license specified in the forgoing article, the amount thereof shall be demanded of him by the secretary-treasurer or any other municipal officer; and, in default of immediate payment, such amount shall be levied without delay by means of a warrant under the hand of the mayor and the seal of the corporation, addressed to a bailiff of the Superior Court or to one of the municipal officers, and the merchandize shall be seized upon the very person of the vendor and be sold for the payment of such license by such bailiff or municipal officer or any other person, after a notice of eight days at the door of the parish church.

Collection of fee for license by distress.

31. The council may, moreover, by by-law or by simple resolution, levy and collect, by special license, a sum not exceeding one hundred and fifty dollars of and from all persons who come temporarily into the town to sell or cause to be sold therein merchandize, goods or effects, coming wholly or in part from a bankrupt stock or other stock of goods, either by auction or by private sale.

Tax upon transient traders.

Powers under licenses.

32. Every license, signed by the secretary-treasurer, gives the holder the right to practise or carry on his art, trade, profession, business or industry until the expiration of the fiscal year.

R. S., 4414, replaced for town.

33. Article 4414 of the Revised Statutes is replaced, for the town, by the following :

Price, &c , for transfers of licenses for sale of intoxicants.

To fix a sum, not exceeding one hundred dollars, for the granting, transferring or renewing of each certificate for obtaining a license authorizing the sale of spirituous, vinous, alcoholic or intoxicating liquors.

Tax upon :

34. The council shall further have the right to levy :

Wholesale liquor store

(a) On every wholesale liquor store, a tax of one hundred dollars ;

Temperance hotel, &c.

(b) On every temperance hotel, house of public entertainment and restaurant, a tax not exceeding fifty dollars.

License required before any circus, &c., can be exhibited in the town.

35. Whether there be or be not a by-law to that effect, no person or company shall keep in the town any circus, menagerie or equestrian show, or give any theatrical or musical entertainment therein, or have therein any show, exhibition, gymnasium or other game for profit, without having previously obtained, for each of such representations or other objects, a permit from the mayor and a license from the secretary-treasurer, and without having paid the latter, for such license, a sum not exceeding one hundred dollars for every circus, menagerie or equestrian show, and a sum not exceeding twenty dollars for each of the other objects mentioned in this article.

Amount of fee for such licenses.

36. The council may, by simple resolution, determine the sums payable for the licenses mentioned in the preceding article.

Payment compulsory for every one coming to the town to carry on trade for which license is required.

37. Every stranger who comes into the town to carry on any business, trade or occupation, which renders him liable to the business-tax, either before or after the making of the valuation rolls, and whose name is not entered on such rolls, shall be bound to pay such tax as if it were imposed by license and on demand of payment made by the secretary-treasurer or a municipal officer, accompanied by a detailed statement in writing setting forth the by-law imposing such tax and the amount imposed.

38. Article 4468 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4468, replaced for town.

To oblige carters, proprietors or drivers of public vehicles for hire or for the conveyance of loads in the town, to procure from the corporation an annual license, represented by numbers supplied by the corporation, the price of such licenses not to exceed the sum of five dollars for each such number ; also to oblige them to affix such numbers on each vehicle or harness.

Carters, &c., required to take out license.

Every person plying the trade of carter or driver of public vehicles for hire or for the conveyance of loads in the town shall be obliged to pay for such license and to procure such number even if he do not reside within the limits of the town.

Non-residents obliged to take out such license.

39. The council may also impose :

Council may tax :

(a) Upon every male inhabitant of the age of twenty-one years, who has resided one month in the town and who pays none of the aforesaid taxes, an annual sum of two dollars ; except upon sons residing with their father and living in common with him ;

Male inhabitants not otherwise taxed. Exception.

(b) Upon every person who does not reside in the town and who possesses no property therein, but who works therein for at least one month or more, the sum of two dollars.

Non-residents working in town.

The tax mentioned in these two paragraphs may be collected by means of a license, even when the said persons are not entered on the valuation or collection rolls in accordance with the method prescribed in article 30 of this act.

Taxes under §§ a and b may be levied by license.

40. The council may instruct the assessors to add to the valuation roll a list of the persons and of the moveables taxed under the foregoing articles; and all amounts, taxes or licenses so imposed and levied shall be exigible in law.

Addition to valuation roll of persons, &c., liable to taxes.

41. Every person who infringes the provisions contained in article 35 of this act is liable to a fine not exceeding one hundred dollars, recoverable in the manner prescribed in article 4584 of the Revised Statutes, and three months imprisonment in default of payment of the fine.

Infringements of article 35 give rise to fine, &c.

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

Coming into force.

