

C H A P . 71

An Act to incorporate the town of Roberval

[Assented to 25th April, 1903]

Preamble.

WHEREAS the corporation of the village of Roberval, has, by its petition, represented :

That, in view of the increase of the population and of the industrial development of the municipality, it is advisable that it be constituted into a town corporation for all municipal and school purposes, that its territory be increased, and that more extensive and definite powers regarding municipal matters be granted to it ;

And whereas its said petition contains a prayer to that effect, and it is expedient to grant such prayer ;

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

SECTION I

INTERPRETATIVE PROVISIONS

Interpretation :

1. Whenever the following words, terms or expressions occur in this act or in any by-law or resolution of the council of the municipality, they shall have, unless the context implies otherwise, the meaning and application respectively assigned to them in this article :

“Tax,”
“Municipal
taxes” ;

(a) The words “tax” or “municipal taxes” shall mean all municipal dues imposed and levied by the town, and shall include water-rates, taxes for drainage, paving and streets under control ;

“Proprietor ;”

(b) The word “proprietor” shall include any person who has the ownership or the usufruct in his own name or in the name of his wife of any taxable property situate in the town ;

“Tenant,”
“lessee” ;

(c) The words “tenant” and “lessee” shall include any person who is obliged to pay to another a portion of the proceeds, fruits, or revenues of any immovable property occupied by him in the town, but provided that a tenant or lessee must be a resident householder, saving the case of tenants or lessees of shops, stores, offices or other places of business ;

- (d) The word "occupant" denotes any person who occupies in the town any immovable property under any other title than that of proprietor, tenant or lessee ;
- (e) The word "lot" shall include any subdivision of any cadastral lot, as well as the buildings and improvements thereon made and erected.

2. All references in this act to an article or section, without indication of the act or statute of which it forms part, shall be deemed to be a reference to a section or article of this act.

References to articles, &c., without indication of statute, &c.

SECTION II

INCORPORATION OF THE TOWN

3. The inhabitants of the territory hereinafter described and their successors shall be a body politic and corporate under the name of "The Corporation of the town of Roberval ;" and the said territory shall, under the name of the "Town of Roberval" constitute a distinct and separate municipality from that of the county of Lake St. John for all municipal purposes.

Corporation constituted.

Name.

To be separate from county of Lake St. John.

SECTION III

TRANSITORY PROVISIONS

4. Except where the same may be inconsistent with this act, all by-laws, *procès-verbaux*, resolutions, orders, lists, valuation rolls, acts of assessment, ordinances, decisions, contracts, debentures, obligations, statements of amounts due, rights and all other matters and things done by the corporation of the village of Roberval and by the corporation of the municipality of Roberval, affecting the above described territory or the inhabitants thereof, shall remain in force in the town of Roberval, until the same have been repealed, replaced or amended by the corporation.

Present by-laws, &c., of certain corporations.

If any by-laws or resolutions of the parish of Roberval, applicable to that portion of that parish comprised within the limits of the town, should be in conflict with those of the village of Roberval, the latter alone shall be in force in the town.

If by-laws conflict.

Nothing in this clause contained shall validate any of the said by-laws.

Proviso.

5. The mayor and councillors of the village of Roberval shall remain in office and act as mayor and councillors of the town of Roberval until their successors are elected in virtue of this act.

Present mayor and councillors of village.

Present
officers of
certain cor-
porations.

6. The municipal officers of the village of Roberval shall continue to discharge their respective duties throughout the extent of the town, until they have been replaced according to the provisions of this act.

Corporation
under charter
substituted
for certain
other cor-
porations for
certain ter-
ritory.

7. The corporation shall succeed to all the rights and obligations of the corporations of the village of Roberval and of the municipality of Roberval, in so far as the territory hereunder described is concerned.

SECTION IV

BOUNDARIES AND WARDS OF THE TOWN

Boundaries
of the town.

8. The territory of the town of Roberval, for municipal and school purposes, is bounded as follows, to wit : on the east, by Lake St. John for a distance of one mile from the shore from the water mark on the 24th June ; on the north, by the middle of the river Ouiatchouanish from the waters of Lake St. John, following the said river along the middle thereof to the line between numbers 71 and 73 of the cadastre, and continuing on the said line between number 71, belonging to Idas Dufort, and number 73, belonging to Pierre Villeneuve, as far as the west side of the public highway ; on the west, by a line starting from the line between numbers 71 and 73, following the west side of the public highway to the intersection of the line between numbers 70 and 71 ; thence by the line between numbers 70 and 71 of the cadastre, to a point 20 arpents from the rear line of the range I of the township of Roberval ; thence by a straight line crossing the lots bearing the original numbers 9, 10, 11, 12, 13, 14 and 15, to a point on the line between lots 15 and 16, at a distance of 20 arpents from the rear line of range I of the township of Roberval ; on the south, by the line dividing the lots, bearing the original numbers 15 and 16, from the aforesaid point to a distance of one mile in the waters of Lake St. John, taking as a basis the waters of the 24th June.

R. S., 4472,
replaced for
town.

9. Article 4472 of the Revised Statutes is replaced, for the town, by the following :

Division into
wards.

The town shall be divided into two wards: the North ward and the South ward.

North ward.

The North ward shall comprise all the territory of the town, starting on the north side of the Roberval road from the shore of Lake St. John to the western and northern limits of the town.

The South ward shall comprise all the territory starting from the south side of the Roberval road from the shore of Lake St. John to the western and southern limits of the town. South ward.

10. The town council may, whenever it deems necessary, revise and alter, by by-law, the boundaries of the various wards of the town. Change of wards.

11. It shall be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the town, by means of a notice given by such proprietor to the corporation, and the consent of the town signified by a by-law passed by the council for such purpose, in the usual manner, to demand and obtain that the said property be included in the limits of the town, and so on successively, thereafter, for other proprietors having property adjacent to the properties thus successively included in the limits of the town, as aforesaid; and, upon such property being declared to be included by by-law, as hereinabove provided, the said proprietors, whose properties shall be included within the limits of the town, shall have and possess all municipal privileges, and shall be subject to all the by-laws, obligations, duties and charges imposed upon the persons and property originally included within the limits of the town. Annexation of territory.

SECTION V

COUNCIL OF THE CORPORATION AND QUALIFICATION OF MEMBERS OF THE COUNCIL

12. Article 4194 of the Revised Statutes is replaced, for the town, by the following : R. S., 4194,
replaced for
town.

There shall be elected, from time to time, in the manner hereinafter provided, an elector to be called "the mayor of the town of Roberval," and six competent persons, to be and who shall be called, "the councillors of the town of Roberval"; such mayor shall be elected by the majority of votes taken in the whole town, and such councillors by the majority of the votes of the electors of each respective ward, to wit : three for the North ward and three for the South ward; and such mayor and councillors elected shall form the council of the town, and shall be designated as such; the quorum shall be four. Mayor.
Councillors.
Election of
mayor and
councillors.
Quorum.

13. Article 4195 of the Revised Statutes is replaced, for the town, by the following : R. S., 4195,
replaced for
town.

The mayor and the councillors shall be elected for a period of two years. Term of
office.

Pro-mayor. At the first session in each of the months of January and of July in each year, the council shall appoint one of its members to perform the duties of pro-mayor during the following six months.

His authority, &c. During any vacancy in the office of mayor, the pro-mayor shall have and exercise the authority conferred by law on the mayor in office.

Term of office of mayor and aldermen. Three of the councillors elected at the first election shall remain in office for one year only. The mayor and other councillors shall go out of office the following year.

Selection of those to retire. The three councillors going out of office at the expiration of the first year shall be designated by lot, in the manner determined by the council, during the month of December at a session of the council.

Duty of presiding officer, if council neglects to draw lots. In the event of the council neglecting to proceed to the drawing of lots, the officer presiding the election shall proceed publicly to do so, on the day when the councillors are nominated, immediately after the opening of the meeting.

R. S., 4216, replaced for town. **14.** Article 4216 of the Revised Statutes is replaced, for the town, by the following :

Qualification of candidates for office of mayor and councillor. No person shall be elected or placed in nomination as mayor or councillor unless :

- (a) He is a British subject ;
- (b) He can read and write ;
- (c) He is of the full age of majority ;
- (d) He has resided in the town or has had his business place therein for a period of twelve months immediately preceding his nomination ;
- (e) He possesses, during a period of twelve months next preceding his nomination, as a proprietor either in his own name or in that of his wife, immoveable property of the value, after deducting all privileges and hypothecs thereon, of four hundred dollars for the office of councillor and eight hundred dollars for the office of mayor.

Declaration of qualification required from members of council. **15.** The members of the council shall produce and file with the secretary-treasurer, before taking the oath, a written declaration describing the immoveable property which qualifies them to hold office.

SECTION VI

QUALIFICATION AND LIST OF ELECTORS

R. S., 4227, replaced for town. **16.** Article 4227 of the Revised Statutes is replaced, for the town, by the following :

Qualification of electors. Every male person, not legally disqualified nor otherwise deprived of the right to vote, is a municipal elector, and as

such is entered on the list of electors if, when such list is made, he fulfils the following conditions :

- (a) He must be of the full age of majority and be a subject of His Majesty ;
- (b) He must have been, during a period of twelve months next preceding the said time, a proprietor in the municipality, in his own name or in the name of his wife, of immoveable property valued according to the valuation roll then in force at one hundred dollars at least ;
- (c) He must have been in possession, during a period of twelve months next preceding, as a tenant paying a yearly rent of at least twenty dollars, or as occupant, of immoveable property of the annual value of at least twenty dollars ;
- (d) In the case of a co-proprietor of immoveable property, his share in the said property must be a sufficient amount to entitle him to become an elector ;
- (e) He must have paid all his municipal and school taxes and dues on or before the 15th December previous.

17. Article 4515 of the Revised Statutes is replaced, for the town, by the following : R. S., 4515,
replaced for
town.

Between the fifteenth and the twenty-fifth days of December in each year, the secretary-treasurer shall make out, for each ward of the town an alphabetical list of the names of the persons who, according to the books of the corporation and the lists supplied by the secretary-treasurers of schools within the limits of the town, appear to have paid all taxes and municipal and school dues on the preceding fifteenth day of December, inclusively, and who, according to the valuation rolls in force and the special lists, or in conformity with the requirements of this act, appear to be electors. When list to
be made.

SECTION VII

ELECTIONS OF MAYOR AND COUNCILLORS

18. Article 4230 of the Revised Statutes is replaced for the town, by the following : R. S., 4230,
replaced for
town.

The first general election shall be held during the month of January, 1904. First general
election when
to be held.

The nomination shall take place at ten o'clock in the forenoon on the third Monday of the month, and the voting, if necessary, on the fourth Monday of the same month from nine o'clock in the forenoon to five o'clock in the afternoon. Nomination
and voting.

Subsequent
general
elections
when to be
held.

The subsequent general elections shall take place at the time specified in the following article. If prior to the general election under this article a vacancy should occur in the office of mayor or councillor the council shall fill such vacancy.

Vacancy in
council before
first general
election.

Any vacancy occurring after the first general election shall be filled in accordance with the provisions of article 4274 of the Revised Statutes.

Vacancies
afterwards
how filled.
R. S., 4229,
replaced for
town.

19. Article 4229 of the Revised Statutes is replaced, for the town, by the following :

Subsequent general elections shall take place during the month of January, every year, to replace the councillors going out of office, and every second year, to replace the mayor.

Elections of
councillors
and of mayor
when to be
held.

The nomination shall take place at the hour of ten of the clock in the forenoon, on the third Monday of January and, if necessary, the voting shall take place on the fourth Monday of the same month, from the hour of nine in the forenoon to the hour of five of the clock in the afternoon.

Where nomi-
nation to be
held.

20. The nomination for mayor and for councillors shall take place in the council room.

R.S., 4232,
replaced for
town.

21. Article 4232 of the Revised Statutes is replaced, for the town, by the following :

Notice of
election.

The municipal elections shall be announced by a public notice in the French language posted during the eight days next preceding the date of the nomination of candidates, in the council room ; which notice shall be signed by the secretary-treasurer, and shall mention the day, hour and place when and where the nomination and the voting, when necessary, shall take place.

Who presides
over first
election.

22. The secretary-treasurer of the village of Roberval shall preside at the first election of mayor and councillors.

R. S., 4238
and 4239, re-
placed for
town.

23. Articles 4238 and 4239 of the Revised Statutes are replaced, for the town, by the following :

Proceedings
at nomi-
nation.

If, at the expiration of one hour after the opening of the meeting, only one candidate is nominated for the office of mayor, he shall be declared elected, and if there be nominated only a number of candidates for the office of councillor equal to the number of councillors to be elected, they also shall be declared elected by acclamation ; otherwise, in both cases, voting shall take place as hereinafter provided.

Polling in
certain
event.

24. Articles 4240, 4241, 4242, 4243, 4244, 4245, 4249 and 4250 to 4252 of the Revised Statutes are replaced, for the town, by the following :

1. Elections of the mayor and of the town councillors, whether general or partial, shall be by ballot, and the principles of the Quebec Election Act, as set forth in articles 126 to 250 and 252 to 260, inclusively, of the act 59 Victoria, chapter 9, as well as the forms to which they refer, with the exception, however, of articles 202, 213 and 218 and the form of the oath of electors contained in article 157 of the same act, which shall be replaced by the form hereunder, shall apply to such elections, *mutatis mutandis*, and govern them as well as all matters connected therewith, not specially mentioned in this act.

R. S., 4240 to 4245, 4249, 4250 to 4252, replaced for town.

Voting to be by ballot for mayor and councillors and Quebec Election Act to apply.

Form of oath

" You swear that you are (*name, residence and occupation of the elector as recorded on the list*), whose name is entered on the list of electors now shewn you (*exhibiting the list to the elector*) ; that you are aged twenty-one years or over ; that you are a British subject ; that you have not previously voted at this election ; that all your taxes, assessments and municipal and school dues now exigible, both in your own name and in that of your wife, have been paid, in accordance with the prescriptions of the law and of the by-laws of the town, on or before the fifteenth December last, and that you have not received anything, nor has anything been promised you, either directly or indirectly, to induce you to vote at this election. So help you God."

Form of oath.

2. The council may also, by by-law, enact that the amendments hereafter made by the Legislature to the Quebec Election Act shall apply to the town.

Amendments to Election Act may be made applicable.

3. In applying the provisions of the Quebec Election Act to the elections held under this act the words : " returning-officer," shall mean " the officer presiding over the elections," and the words : " deputy returning-officer," shall mean " deputy presiding-officer," or the person in charge of any poll, and the words : " clerk of the Crown in Chancery," shall mean the " secretary treasurer of the town." No publication in the newspapers shall be necessary, nor shall any deposit or money be required.

Interpretation of certain words in Election Act.

25. Contestations of elections shall be effected under the general law governing towns, and can be taken only before the county Circuit Court, or the district Circuit Court, sitting in the county of Lake St. John or the magistrate's court for the county of Lake St. John sitting in the town of Roberval.

Contestations of elections.

SECTION VIII

SECRETARY-TREASURER

R. S., 4329,
4330, and
4332, re-
placed for
town.
Security of
secretary-
treasurer.

26. Articles 4329, 4330 and 4332 of the Revised Statutes are replaced, for the town, by the following :

The security given by the secretary-treasurer shall be at least one thousand dollars ; it may consist in an insurance policy issued by a guarantee company approved by the council, and the premium thereof may be paid by the corporation and deducted from the secretary-treasurer's salary.

R. S., 4340,
amended for
town.

27. Article 4340 of the Revised Statutes is amended, for the town, by adding the following paragraph thereto :

Withdrawal
of money
by cheque.

The moneys deposited in a bank by the secretary-treasurer shall be withdrawn therefrom only on orders or cheques signed by the mayor, or in his absence, by the pro-mayor and countersigned by the secretary-treasurer.

SECTION IX

BY-LAWS

General
power to pass
by-laws
respecting :

28. In addition to the powers granted by the general law governing town corporations, the council may make, amend and replace by-laws for any of the following purposes :

Trotting over
bridges, &c. ;
Use of pipes
on roofs ;

(a) To prevent trotting or racing over bridges ;

(b) To prohibit the use of stove-pipes used as chimneys on roofs, and to fix and determine the material to be used in the construction of roofs ;

Games of
skill, &c. ;

(c) To suppress any game of skill or athletic performance or to authorize the same by license ;

Wood-yards,
&c. ;

(d) To regulate wood- and coal-yards and other depots of like nature ;

Nuisances,
&c. ;

(e) To prohibit sweepings, filth and nuisances, and order their removal from the streets, ditches, water-courses, lanes, sidewalks, parks and other public places ;

Privies, &c. ;

(f) To regulate the construction of privies, cellars, drains, ovens, steam or gasoline engines in all factories or workshops ;

Closing of
taverns, &c. ;

(g) To order the closing of any establishment, where intoxicating liquors are sold on religious or civil holidays, and at certain hours of any other day ;

- (h) To determine the manner of placing or to prevent the placing of signs, posts, or similar objects on the streets or other public places ; Signs, &c. ;
- (i) To prohibit the erection of stables, sheds, privies, or other similar buildings, which might cause a nuisance in any part of the town, at a distance of less than thirty feet from the street, and to order all such existing buildings, when not erected at that distance, to be removed upon payment of an indemnity to the proprietor ; Erection of stables, &c. ;
- (j) To order the removal of telegraph or telephone wires, so as to avoid any obstructions on the streets ; Telegraph, &c., wires ;
- (k) To order the removal of all flags, banners or other objects used for the same purpose when trespassing on any public place ; Flags, &c. ;
- (l) To prohibit the transportation of buildings through the streets without a special permit from the corporation and without the payment of such compensation as the corporation may fix, and to permit the same under such other conditions as regards damages as may be agreed upon ; Transportation of buildings, &c. ;
- (m) To prevent any proprietor from rebuilding a demolished structure on the lot which it occupied beyond the line of the street or of a public place, provided the corporation shall, within one year, institute proceedings in expropriation to acquire such portion of said lot which may encroach on the street. The corporation may purchase that portion of the lot which encroaches on the street or other public place for the purpose of widening the said street or place, or may expropriate or compel the owner to dispossess himself of said lot upon sufficient indemnity according to the mode of expropriation provided ; Building encroaching on lines of streets ;
Purchase of such lots ;
- (n) To regulate the mode of construction of buildings in the town. Construction of buildings, &c. ;

29. Article 4461 of the Revised Statutes is replaced, for the town, by the following. R. S., 4461, replaced for town.

To order the construction and maintenance of sidewalks in the town, and order that the cost thereof be paid by the proprietors or by the corporation ; to impose for such purposes a general or special tax on the interested parties ; if the sidewalk be made on one side of the street only, to order the construction and maintenance thereof to be paid by the proprietors, tenants or occupants on both Construction, &c., of sidewalks, &c.

sides of the street, each in proportion to the value of the property or the amount of rent paid, as the case may be ; to determine where, by whom, when, in what manner, of what dimensions and with what materials the sidewalks, shall be made, placed or repaired ; to cause any sidewalk made contrary to the prescriptions of the by-laws to be removed, rebuilt or repaired at the expense of the person in default.

R. S., 4463,
replaced for
town.

30. Article 4463 of the Revised Statutes is replaced, for the town, by the following :

Sidewalks to
be kept free
from ice, &c. ;

To compel every proprietor, lessee or occupant, to keep the sidewalk in front of his property in good order, and to remove snow, water and ice therefrom, at the time and in the manner prescribed by the council, the corporation having its recourse in warranty against any person through whose fault or negligence any accident has happened on the streets or sidewalks of the town and for the damages resulting therefrom.

Recourse in
warranty by
corporation
for accidents,
&c. ;

Occupants of
land exempt
from taxes to
maintain
sidewalks in
front of their
property.

31. Persons occupying lands belonging to the Federal or to the Provincial Governments or to corporations, institutions or *fabriques*, whose property is not liable to or is exempt from taxation or assessment, shall maintain the sidewalk in front of the property which they respectively occupy, and they shall be liable for the payment of all taxes and assessments imposed for such work, which shall be considered as a personal tax upon such persons imposed for the works authorized by the provisions of this act, where the cost of the sidewalk is charged to the proprietors.

If persons
liable refuse
to make a
sidewalk,
town in-
spector may
make same at
such person's
expense, if
amount does
not exceed
five dollars.

32. In the event of refusal or neglect on the part of any proprietor, lessee, or occupant, to perform the work prescribed in the streets and sidewalks, the town inspector may, after having caused a notice of forty-eight hours to be given by one of the officers of the council to the person in default, order that the work be done at the expense of such person ; provided, nevertheless, that the cost of the work done and the material furnished for that work shall not exceed the sum of five dollars per year for each lot.

If work costs
more, order
from council
required.

33. If the cost of the work to be done exceed the sum of five dollars, it shall be necessary for the inspector, in order to have the said work done, to obtain an order from the council.

How such
sums may be
collected.

34. In either case, the expense thus incurred shall be exigible without delay upon filing a detailed statement of the same, and shall be recovered in the same manner as

taxes and assessments, with privilege and hypothec on the land liable for the payment of such expense, and without prejudice to the penalties and damages incurred.

35. Article 4616a of the Revised Statutes shall not apply to the roads and streets now in existence in the town of Roberval, which may remain at least at their present width. Width of streets in the town.

36. The town shall own the streets now in existence or which will be hereafter opened in the territory comprised within the limits of the town. Ownership of streets in the town.

SECTION X

VALUATION ROLL

37. The first paragraph of article 4498 of the Revised Statutes is replaced, for the town, by the following : R. S., 4498, amended for town.

It shall be the duty of the assessors to make the valuation according to its real value, of all the taxable property in the municipality, in the months of July and August, in each year, and in the manner prescribed by the council. Assessors to make valuation (roll in July and August.)

The valuation of the immoveable property shall be made separately in each ward of the town. How to be made when town divided into wards.

The valuation roll shall also contain the names of all lessees and occupants, and of any other person subject to taxation and assessment. What further to contain.

SECTION XI

EXEMPTIONS FROM TAXATION

38. Article 4500 of the Revised Statutes is replaced, for the town, by the following : R. S., 4500, replaced for town.

1. The property hereinafter described shall be exempt from taxes : Property exempt from 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 and of the municipality ;
- (c) The property held and occupied for public worship, presbyteries, parsonage houses, and cemeteries ;
- (d) All educational establishments as well as the land upon which the same are situate, and all buildings or lands used for libraries gratuitously open to the public ;

(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 a revenue, shall not be exempt from taxation;

(f) Any court house and gaol with the lands thereto attached.

Certain persons however liable for taxes for certain works and for water rates.

Provided, nevertheless, that said exemption shall not extend to lands or to buildings erected upon lands leased or occupied under a lease from the Government. The said lands belonging to the Government and occupied under a 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 were assessed against such lessee or occupant personally.

Certain property however liable for certain works, &c.

2. The proprietors, lessees, and occupants of the property mentioned in paragraphs *c*, *d*, *e* and *f*, shall nevertheless be subject to the works required for the opening and maintenance of streets, water-courses, ditches, drains and side-walks, and public lighting, under the by-laws in force, and shall be liable for the payment of any special tax or assessment made for that purpose, as well as for the payment for the use of water.

SECTION XII

FISCAL YEAR

Fiscal year.

39. The fiscal year shall commence on the first of May of each year and terminate on the thirtieth of April of the following year.

SECTION XIII

POWER TO TAX

General power of taxation for certain purposes.

40. The council may levy, by direct taxation, upon all the taxable property, or merely upon all the immoveable property in the town, all sums of money required for the purposes of municipal administration, and for the payment of the debts contracted or for any special purpose whatsoever within the jurisdiction of the council.

Power to tax for improvements.

41. The council may levy, by direct taxation, upon all the taxable property of the town, or merely upon the taxable immoveable property belonging to persons who, in the opinion of the council of the town, have an interest in any work under the control of the council and who benefit thereby, any sum of money required for the construction or maintenance of such work.

42. In order to levy the sums required to defray the expenses of administration and for paying the cost of any public improvements and discharging the obligations of the town, the council may levy, annually, on the persons and on the moveable property, as well as on the immoveable property situate in the town, all general or special taxes, license fees, or other assessments hereinafter mentioned.

Power to tax
for expenses
of administra-
tion.

43. Any by-law ordering the imposition of a tax or an assessment shall, under pain of nullity, mention the object for which the tax or assessment is imposed.

Certain state-
ment to be in
tax by-law.

44. The council shall have the right and power, by by-law, to impose and levy, upon all immoveable property situate in the town, an annual tax not exceeding two per cent. of the value of such immoveable property as shewn on the valuation roll.

Tax upon
immoveable
property.

45. All land under cultivation or farmed, or serving as pasture for cattle, as well as land not cleared or in timber, within the limits of the town, shall be valued as such.

Taxation of
farming
lands, &c.

46. The council may also impose upon any tenant paying rent in the town, an annual tax not exceeding five cents on every dollar of the amount of such rent as entered on the valuation roll, or on the annual rental value of the property leased or occupied, the latter being the basis upon which said tax shall be imposed; provided, nevertheless, that the said annual tax shall not be less than one dollar per annum, that is to say that every lessee shall pay at least one dollar per annum.

Tax upon
tenants.

This tax shall also be exigible from the occupant of a property, according to the annual value of the property as shown in the valuation roll.

47. The council may impose an annual tax, not exceeding five dollars, upon any persons exercising in the town the profession of advocate, physician, notary, surgeon-dentist, veterinary surgeon, oculist, aurist, land-surveyor, architect, civil engineer, bailiff, druggist, clerk in a drug store, or any other profession or who is acting as a provincial officer or civil employee, or as a clerk of any court.

Professional
tax.

48. The council may impose upon any person receiving an annual remuneration or salary, either at work by the piece or otherwise, of three hundred dollars and over, one dollar on every one hundred dollars or any part of one hundred dollars exceeding three hundred dollars, which tax shall not however exceed five dollars, and, if such person

Tax upon
salaries, &c.

does not reside in the town, one dollar on every one hundred dollars of his remuneration or salary, provided such person be not already subject to a taxation of four dollars per annum, in addition to the real estate tax.

License re-
quired to sell
bankrupt,
&c., stock.

49. The council may oblige any stranger not residing within the limits of the town for three months and selling any merchandise forming part of any bankrupt stock or other stock, or commercial articles or effects, either by auction or at private sale, and also every trader in the town selling by auction, to take a license not exceeding one hundred dollars.

Tax upon
persons
temporarily
selling cer-
tain goods,
&c.

50. The council may, by by-law, prohibit any person, residing outside the limits of the town, from soliciting or taking orders personally or by his employees, for the delivery of merchandise, unless he has previously obtained from the corporation the license required for that particular trade or business ; but such license shall not exceed double the amount of the ordinary license.

Exception.

The provisions of this article shall not apply to commercial travellers.

Regulation of
ferries.

51. The council may regulate the ferries under the jurisdiction of the town, and determine the amount payable and the conditions to be complied with for obtaining a ferry license ; and no one shall be allowed to carry on the business or the trade of boatman and ferryman without having obtained from the council a license to that effect.

Tax upon
petitions &c.,
for licenses
for sale of
liquors, &c.

52. The council may, by by-law, exact an annual sum, not exceeding two hundred dollars, which it shall fix, payable in advance to the corporation, by any person applying by petition for the granting or confirmation of any certificate for obtaining a license to keep an hotel, inn, bar-room, café, restaurant, club or other place of public entertainment, for the sale of wines, spirituous and alcoholic liquors, and a sum, not exceeding two hundred dollars, for the granting or the confirmation of every certificate to obtain a license to sell liquors by wholesale or retail, or for keeping a temperance hotel, and to prevent the transfer of any license.

Further sum
for confirma-
tion of cer-
tificate, &c.

Poll-tax.

53. The council may also impose upon and levy on any male inhabitant of the age of twenty-one years and over, and who has resided in the town for over six months, and who is not already taxed under the provisions of this act, the annual sum of two dollars, the said tax shall be known as the poll-tax.

Persons in holy orders, ministers of religion, as well as students, servants and apprentices, shall not be subject to this tax. Exemptions therefrom.

54. The council may also fix, impose and levy certain annual fees or taxes upon all trades, manufacturing enterprises, financial and commercial establishments, occupations, arts, professions or other means of profit or livelihood, exercised or carried on by any persons, firms or corporations in the town. Tax on trades, &c.

And to avoid doubt, and without restricting the extent of the next preceding provision, and subject to the other provisions of this charter, the council may impose : Power of corporation to levy certain specified taxes, &c., upon :

Upon all persons keeping billiard rooms, bowling alleys, pigeon-holes, shooting galleries, or other sports, or places of amusement of any nature whatsoever ; and also upon every proprietor, keeper, agent, director or occupant of theatres, public halls, exhibition rooms, circuses, menageries, exhibitions of articles of curiosity, travelling musicians, and boatmen, a tax not exceeding fifty dollars ; Keepers of billiard-rooms, &c. ;

Upon all dealers, by retail, in wine or fermented or intoxicating liquors, and upon all brewers, distillers and bottlers, a tax not exceeding two hundred dollars ; Dealers by retail in wines, &c. ;

Upon all traders, manufacturers, hucksters, second-hand dealers and commission merchants and their agents, a tax not exceeding fifty dollars ; Traders, &c. ;

Upon all pedlars, and travelling merchants, and also upon dealers in second-hand goods and other such articles, a tax not exceeding one hundred dollars ; Pedlars, &c. ;

Upon all cabmen, teamsters, porters, and other persons engaged in the town in the transportation of persons, merchandise, effects and produce of any kind, a tax not exceeding twelve dollars ; Cabmen, &c. ;

Upon horse-dealers and upon owners of race-horses ; upon all persons carrying on the business of livery-stable, a tax not exceeding twenty-five dollars ; Livery stable keepers, &c. ;

Upon all proprietors of slaughter-houses in the town, a tax not exceeding fifty dollars ; Proprietors of slaughter houses ;

Upon all draughtsmen, oil painters, portrait painters, engravers, lithographers, sculptors, printers, editors, journalists, photographers, stenographers, copyists, penmen, music dealers, pianists and organists, and upon all persons exercising any art or trade whatsoever, a tax not exceeding five dollars ; Draughtsmen, &c. ;

Upon all machinists, carpenters, contractors, joiners, cabinet-makers, carriage makers, upholsterers, turners, and boat builders, a tax not exceeding five dollars ; Machinists, &c. ;

- Goldsmiths, &c. ; Upon all gold or silver-smiths, jewellers, clock-makers and watch-makers, blacksmiths and other persons engaged in working metals ; upon all tinsmiths, gunsmiths, plumbers, metal roofers, and all persons engaged in the business of installing light and heat apparatus, or of electric alarm and transmission, a tax not exceeding five dollars ;
- Bakers, &c. ; Upon all bakers, caterers, butchers, barbers, confectioners, brushmakers, carders, gardeners, moulders and coopers ; shoemakers, saddlers, tanners, leather dressers and curriers, house painters, decorators and paper hangers, masons, stone-cutters, marble-cutters, plasterers, and bricklayers, tailors, dressmakers, florists, and undertakers, a tax not exceeding five dollars ;
- Possessors of bicycles, &c. ; Upon all persons in possession of bicycles and automobiles, a tax not exceeding one dollar ;
- Persons using steam engines, &c. ; Upon all persons using steam, electric, or gas engines or other motors, or any mechanical apparatus used in the process of wood and iron working, a tax not exceeding ten dollars ;
- Shops where workmen are employed, &c. ; Upon all shops or workshops, where several workmen are employed, a tax not exceeding ten dollars ;
- Bankers, &c. ; Upon all banks and their agents, and bankers and their agents, upon all brokers, exchange agents, money-lenders, pawn-brokers and their agents, and upon all auctioneers, a tax not exceeding one hundred dollars ;
- Life insurance companies, &c. ; Upon all life insurance companies, fire insurance companies, accident insurance companies, marine insurance companies, and other insurance companies carrying on business in the town, or upon their agents residing or not residing in the town, a tax not exceeding fifty dollars ;
- Navigation companies, &c. ; Upon all navigation, railway, tramway, light, heat and power companies, whether electric or otherwise, in the town, or having an office or place of business therein, or upon their agents, a tax not exceeding twenty-five dollars ;
- Proprietors, &c., of passenger, &c., steamboats, &c. ; Upon all proprietors of steamboats or persons engaged in the business of transporting passengers and merchandise by steamboats, for profit, between any point in the town, and any other place whatsoever, a tax not exceeding twenty-five dollars ;
- Commission agents, &c. ; Upon all commission agents, shipping agents, and persons engaged in distributing produce, merchandise, or any other effects whatsoever ; upon all stevedores, and persons undertaking to load or unload merchandise or other goods, and to transport the same, in the town, a tax not exceeding ten dollars ;
- Real estate agents, &c. ; Upon all real estate agents, and intelligence and registry offices, a tax not exceeding ten dollars ;

Upon all detective bureaus and upon all constables not under the control of the town or of the Government, a tax not exceeding five dollars ; Detective bureaus, &c. ;

Upon all agencies for newspapers published outside the town, for publications, books or pamphlets, and upon all dealers in newspapers or publications of any nature, in the town, a tax not exceeding five dollars ; Newspaper agencies, &c. ;

Upon all proprietors of steam laundries, and of dye-works ; upon all proprietors of ice-houses who distribute ice in the limits of the town, a tax not exceeding five dollars ; Steam laundries, &c. ;

Upon all owners or keepers of fire-wood-, lumber-, and coal-yards ; upon all millers, owners of grist- or saw-mills ; upon all proprietors of boarding houses, a tax not exceeding ten dollars. Keepers of wood-yards, &c.

55. The amount of the special tax, or license duties shall be fixed by by-law, in the discretion of the council, for each class of persons, articles, business and trades, as much as possible in the proportion of the business and industries carried on, or in the proportion of the profits arising from the trade in the said articles, and shall be payable annually at the date fixed by the council. How amount of special tax is fixed and when payable.

56. It shall be, at any time, lawful for the council to declare by a resolution that the rate-payers who shall pay their annual taxes or municipal dues within a specified period of time, shall be granted a discount, which the council shall fix. Public notice of such resolution shall be given by the secretary-treasurer. Discount may be allowed upon payment of tax. Notice to be given.

57. Article 4542 of the Revised Statutes is replaced, for the town, by the following : R. S., 4542, replaced for town.

Municipal taxes and dues bear interest at the expiration of the delay during which they should have been paid, and without a special demand of payment upon the person owing the same being necessary. Interest upon taxes, &c.

It shall not be in the power of the council or its officers to remit such interest. Not be discharged.

58. Whenever any tax is levied by resolution, or in the case of a license or a permit, the same shall only be valid for the taxes and dues so levied during the current year. Taxes by resolution voted for one year.

59. The special taxes and license duties and permits, which are levied by by-law shall constitute a permanent charge, and shall be collected, annually, by the secretary-treasurer of the town, on the date fixed in the by-law, Taxes and dues, under by-laws, to be permanent.

without further municipal ordinance, until such by-law is repealed or amended in the ordinary manner.

Special taxes
may be in
form of
license, &c. ;

60. The special taxes mentioned in articles 49, 50, 51, 52 and 55 of this act may, in the discretion of the council, be imposed and collected in the form of a license or a permit signed by the secretary-treasurer, and the same are then payable and due, annually, at the time, and under the conditions and restrictions fixed by the council, and without the necessity of any assesment roll or of sending to the person indebted any notice or statement of account ; and the collection thereof may be effected like any other tax.

Persons
carrying on
business for
part of year
only.

61. Any person who, during the year, carries on or practises any kind of business, occupation or profession, or performs any act which makes him liable to the special tax or to the dues for a permit or license, shall be bound to pay the full amount of the same, whatever may be the portion of the year, when the same shall become due, unless the council remits any portion of such tax or dues, by reason of the short time remaining before the expiration of the current year.

Proviso as to
remission.

Provided, however, that the council shall not have power to remit such tax or dues, except when the same shall become due during the last three months of the current year.

Payment of
taxes upon
firms, &c.

62. In the case of a tax or license imposed upon a firm, on account of the business of such firm, the tax may be wholly claimed and recovered from any member of such firm.

Licenses by
whom signed
and effect
thereof.

63. All licenses or permits shall be signed by the secretary-treasurer and shall grant to the holder the right to carry on his art, trade, profession, business, or industry until the expiration of the period of time therein mentioned ; but the council may, at the first sitting thereafter, cancel the same, if it deems it expedient, by reimbursing the amount paid thereunder, the whole without recourse or claim in damages against the corporation.

Transfers.

Licenses or permits shall not be transferable by the holders thereof except with the consent of the council.

Licenses to
be exhibited
when law-
fully re-
quired, &c.

64. Any person who holds a license or a permit shall, at any time, when so required by a municipal officer, exhibit his license or permit, which must be conspicuously exposed to public view, in the principal place of business of the establishment of such person, unless said license or permit is granted to a person who has no known place of business in the town, in which case he shall carry the same with him or affix it upon the article subject to the tax or dues, as ordered by the by-law imposing the same.

65. Any person, whose name has been added to the valuation roll, after the assessment roll has been prepared, is subject to the payment of the annual tax in the same manner as if his name had been entered when such valuation roll was prepared.

Liability for annual tax of person whose name is added to roll.

SECTION XIV

COLLECTION OF TAXES

66. Article 4550 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4550, replaced for town.

At the expiration of the period of twenty days, which shall follow the publication of the notice according to article 4549, the secretary-treasurer shall make a demand of payment of all sums of money due and exigible according to the roll, by preparing a statement of account for each rate-payer, according to the form hereinafter, or to the same effect, and by forwarding such statement of account to every rate-payer by post, in a sealed envelope, postage prepaid and mailed at the post-office of the town by the secretary-treasurer or his assistants ; and such deposit in the post-office shall be verified under the oath of office of the secretary-treasurer or of his assistant.

Demand of payment of assessment to be made by notice to rate-payers, &c.

FORM

Form of such notice.

PROVINCE OF QUEBEC,

Office of the secretary-treasurer

of the town of Roberval

Mr.

To the town of Roberval

Dr.

To assessment imposed upon the following property belonging to you, Nos.

Under

Assessment imposed upon your
(*etc. for each item and year.*)

Sir,

You are hereby notified that, inasmuch as you have neglected to pay the amounts mentioned in the foregoing statement of account, within the delay of twenty days following

the publication of the general assessment roll, which was made on the _____, you are required to pay the above mentioned amount at my office on or before the day of _____ 19____

Dated at the town of Roberval, this _____

(Signature)

Secretary-Treasurer.

R. S., 4551,
replaced for
town.

67. Article 4551 of the Revised Statutes is replaced, for the town, by the following :

Suit to re-
cover, if not
paid within
certain time,
and seizure
and sale of
moveables.

After the expiration of the thirty days following the deposit in the post-office of the statement of account mentioned in the preceding article, the town may recover what is due by a suit instituted before the Circuit Court or the magistrate's court or by the seizure and sale of all the chattels and moveable effects belonging to such person, which may be found in the town.

SECTION XV •

RECOVERY OF PENALTIES

R. S., 4592,
replaced for
town.

68. Article 4592 of the Revised Statutes is replaced, for the town, by the following :

Law to
govern prose-
cutions, &c.

Unless there are special provisions to the contrary, all suits instituted before a justice of the peace, under this act, shall be instituted, heard and decided according to the ordinary rules of procedure relating to orders and summary convictions contained in part LVIII of the Criminal Code, 1892, (articles 839 to 909) and the amendments thereto, in so far as the same shall not be inconsistent with the provisions of this act ; but the evidence shall not be reduced to writing or be taken by shorthand unless all the parties consent thereto.

Prosecution
by arrest or
summons.
If offender ar-
rested on
view.

Any offender may be prosecuted by a writ of summons or by a warrant of arrest.

If the accused has been arrested on view, it shall not be necessary to reduce the complaint to writing unless the accused so requires.

R. S., 4596,
replaced for
town.
Certificates of
service by
bailiffs.

69. Article 4596 of the Revised Statutes is replaced, for the town, by the following :

All certificates of service shall be made by the bailiffs or constables under their oath of office.

SECTION XVI

RECORDER'S COURT

70. The town council may, by-law, establish, maintain, abolish and again re-establish a recorder's court, which shall be presided over by the recorder appointed in the manner hereinafter prescribed. Establishment of recorder's court.

The sittings of the court shall be held at the town hall or at such other place as the council may determine for the purpose. Where court to sit.

71. The recorder shall be appointed by the Lieutenant-Governor in council; he shall be *ex-officio* a justice of the peace in and for the district of Chicoutimi, and shall be vested with all the powers and rights and with all the authority of two justices of the peace and of the recorder's court. Appointment and powers of recorder.

72. The acceptance of the office of recorder and the exercise of the duties thereof shall not disqualify such recorder from practising his profession before any courts of justice other than that over which he presides, any law or by-law to the contrary notwithstanding. Recorder may practise before other courts.

73. The recorder's salary shall be, from time to time, fixed by a resolution of the council. Salary of recorder.

74. The council may, by by-law, determine how the recorder shall appoint a substitute and a clerk, and fix the remuneration of each. Appointment of substitute and clerk.

75. The recorder's court has the jurisdiction of a recorder and shall hear and try summarily: Jurisdiction of recorder's court.

1. Any action brought in virtue of any by-law or resolution of the council for the recovery of any sum of money due to the town for any assessment, license, tax or water-rate, for rent of any butcher's stall or other stall or stand in, or upon any of the markets or outside the same;

2. Any action for the enforcement of any by-law;

3. Any action for the recovery or imposition of a fine and penalty due and incurred in consequence of any infringement of this act or of a by-law of the council.

76. The recorder's court may hear and try summarily all offences mentioned in articles 2783 to 2795, both inclusively, of the Revised Statutes; and article 2782 of the said Statutes shall apply to the recorder *mutatis mutandis*. Certain offences may be heard and tried summarily by recorder.

Certain articles of charter of Montreal to apply.

77. Articles 482 and 488 to 521, both inclusively, with the exception of article 517, of the act 62 Victoria, chapter 58, shall apply to the recorder's court of the town of Roberval, and articles 478 to 481 of the said act shall apply to the clerk of the said court.

SECTION XVII

MISCELLANEOUS PROVISIONS

Notice to be given before suits in damages taken against town.

78. No action or prosecution relating to any claim in damages arising from an offence or quasi-offence can be instituted against the town, unless a notice stating in full the names and address of the plaintiff and of his attorney, and specifying the reasons and the amount of the claim, has been previously given to the town within the three months from the act of commission or of omission which forms the subject of the claim, and unless such action or prosecution is

Prescription of such suits.

served upon the town within the six months from the day on which the right of action accrued.

Correction of errors, &c., in expropriation proceedings, &c.

79. In any case where, at the time of the passing of this act or subsequent thereto, any errors, omissions, or irregularities shall be found in any proceedings for expropriation or in any award of arbitrators or commissioners, or in any assessment roll, relating to the cost of any improvement whatsoever, whether such error, omission or irregularity is made by the arbitrators or by the commissioners, or by any one of their number, or by any persons who are authorized by law to make such proceedings, the magistrate's court or judge thereof or a judge of the Superior Court may in his or its discretion, and upon a petition to that effect, order that such errors, omissions or irregularities be rectified under such conditions as to costs as the court or the judge may deem proper.

By-law respecting water-works may be amended, &c.

80. The council may modify, amend or alter the "By-law respecting the water-works of the village of Roberval, No. 51" without submitting to the vote of the municipal electors the modifications, amendments and changes it deems expedient to make.

Payment of certain sum to parish of Roberval authorized.

81. The town is authorized to pay the municipality of the parish of Roberval a sum of \$1,750.00, as compensation for the part of the territory detached from the said municipality which is hereby declared to form part of the said town.

Coming into force.

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