

CHAP. 56

An Act to incorporate the town of Shawinigan Falls

[Assented to 26th March, 1902]

WHEREAS the corporation of the village of Shawinigan Falls, constituted under the provisions of the Municipal Code, has by its petition represented : Preamble.

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

That it is expedient that the limits of the territory of the said municipality, as the same is described in the proclamation of the Lieutenant-Governor of the Province of Quebec, dated the 18th of April, 1901, and published in the *Quebec Official Gazette*, on the 27th of April, 1901, be extended to the banks of the river St. Maurice and of the river Shawinigan, and that a certain part of the territory of the parish of St. Boniface of Shawinigan and of the parish of Notre-Dame du Mont-Carmel be annexed to the present territory of the said municipality for all municipal and school purposes ;

That it is expedient that certain companies operating in the aforesaid territory be exempted from municipal taxes, the whole under special arrangements ;

And whereas the said corporation has prayed to be incorporated as a town, and it is expedient to grant the prayer of the said petition ;

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 CLAUSES

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

(a) The words "municipality", and "town", shall mean the territory, and the word "corporation" shall mean the corporation, of the town of Shawinigan Falls ; "Municipal-
ity," "town,"
" corpora-
tion " ;

(b) The word "council" shall mean the municipal council of Shawinigan Falls ; " Council " . ;

- “Mayor,”
“Alderman,”
“Aldermen”; (c) The word “mayor” shall mean the mayor of the town of Shawinigan Falls, and the word “alderman” or “aldermen” shall mean an alderman or the aldermen of the town of Shawinigan Falls ;
- “Clerk,”
“treasurer,”
“secretary-treasurer”; (d) The words “clerk”, “treasurer” and “secretary-treasurer” shall mean the clerk, the treasurer and the secretary-treasurer of the town of Shawinigan Falls, respectively ;
- “Rate-payer”; (e) The word “ratepayer” shall mean every person liable to pay any tax or assessment to the corporation of Shawinigan Falls ;
- “Tax,”
“Municipal taxes”; (f) 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”; (g) 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 municipality ;
- “Tenant,”
“lessee”; (h) 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 immoveable property occupied by him in the municipality, 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 ;
- “Occupant”; (i) The word “occupant” denotes any person who occupies in the municipality any immoveable property under any other title than that of proprietor, tenant or lessee ;
- “Land,”
“Real, Es-tate,” “Im-moveable property”; (j) The words “land,” “real estate” and “immoveable property” shall include all the improvements and buildings thereon made and erected ;
- “Lot”; (k) The word “lot” shall include any subdivision of any cadastral lot as well as the buildings and improvements thereon made and erected.
- References to articles &c., without indication of statute, &c. (l) 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.

SECTION II

TITLE

Name of act. **2.** This act shall be known as the “Charter of the town of Shawinigan Falls, 1902.”

SECTION III

INCORPORATION OF THE TOWN

3. After the date upon which this act shall come into force, the inhabitants of the municipality of the village of Shawinigan Falls and their successors, shall become a body politic and corporate under the name of "The Corporation of the town of Shawinigan Falls," and the territory herein-after described in section 5, shall form a separate municipality in the county of St. Maurice for all municipal purposes.

Corporation constituted.
Name.
To be a separate municipality in county of St. Maurice.

4. The corporation shall enjoy and exercise all the rights, powers and privileges of legislation, control and administration, and be subject to all the obligations and duties pertaining to or incumbent upon the said corporation as a municipal corporation, and shall, in addition thereto, enjoy and exercise all other rights, privileges and powers granted by this act and by the general law concerning town corporations.

Corporate rights.

SECTION IV

TRANSITORY PROVISIONS

5. All by-laws, *procès-verbaux*, resolutions, orders, lists, valuation rolls, acts of assessment, ordinances, decisions, contracts, debentures, obligations, rights and all other matters and things done by the corporation of St. Boniface de Shawinigan, by the corporation of Ste. Flore, by the corporation of Notre-Dame du Mont-Carmel, and by the corporation of the village of Shawinigan Falls, affecting the above described territory or the inhabitants thereof, shall remain in force in the town of Shawinigan Falls until the same have been repealed, replaced or amended by the corporation.

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

6. The municipal officers of the municipality of St. Boniface de Shawinigan, of Ste. Flore and of Notre-Dame du Mont-Carmel, as well as those of the village of Shawinigan Falls, shall continue to discharge their respective duties until they have been replaced according to the provisions of this act.

Present officers of certain corporations.

7. The corporation shall be substituted in and succeed to all the rights and obligations of the corporations of the village of Shawinigan Falls, of St. Boniface de Shawinigan, of Ste. Flore and of Notre-Dame du Mont-Carmel, in so far as the hereunder territory described is concerned

Corporation under charter substituted for certain other corporations for certain territory.

Collection of taxes on certain territory.

8. The corporations of St. Boniface de Shawinigan, of Ste. Flore and of Notre-Dame du Mont-Carmel shall nevertheless collect and levy upon the immoveable property situate in the said territory and annexed to the territory of the municipality of Shawinigan Falls in their respective jurisdictions and on the inhabitants of said annexed territory, only the assessments and taxes due and exigible on the day of the sanction of this act.

Assets and liabilities of certain corporations.

9. The corporations of Ste. Flore, of Notre-Dame du Mont-Carmel and of St. Boniface de Shawinigan shall retain their respective assets and shall be responsible for their respective liabilities.

SECTION V

BOUNDARIES OF THE TOWN AND JURISDICTION

Territory of town defined.

10. The territory of the town of Shawinigan Falls is comprised within the following boundaries :

“ Commencing at a point on the north bank of the St. Maurice river on the division line of the township of Shawinigan and the seigniory of Cap de la Madeleine, and of the division line between lots Nos. 628 and 624, 625, 626 and 627, on the official plan and in the book of reference of the parish of Ste. Flore ; thence in a southwesterly direction by following the sinuosities of the St. Maurice river down to a point situate on the south bank of the Shawinigan river where the said river falls into the St. Maurice river ; thence continuing in a northeasterly direction and following the sinuosities of the Shawinigan river up to the intersection with the subdivision line between the township of Shawinigan and the seigniory of Cap de la Madeleine, and thence following the said subdivision line to the starting point.”

Certain other territory also comprised in town.

11. The territory of the town of Shawinigan Falls shall also include the four islands situate in the river St. Maurice, and bearing the Nos. 1050, 1051 and 1052 on the official plan and in the book of reference of the said parish of Notre-Dame du Mont-Carmel, in the county of Champlain, and number 629 of the official plan and book of reference of the parish of Ste. Flore.

Territorial jurisdiction of town.

12. The corporation shall have jurisdiction, for the exercise of the powers conferred upon it by this act, over the whole extent of its territory, and such jurisdiction shall also extend to the centre of the river St. Maurice, of the river Shawinigan and of the branch of the St. Maurice river between the island known as lot No. 1052 of the parish of Notre-Dame du Mont-Carmel.

SECTION VI

TOWN COUNCIL

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

The municipal council of the town is composed of six aldermen and of the mayor, who shall be elected by the majority of votes in the town, until the corporation has divided the municipality into wards as hereinafter provided. Composition of council and election of members.

As soon as the municipality shall have been divided into wards, more than three in number, two aldermen shall be elected for each ward, by the majority of votes of the electors of each ward ; nevertheless such division shall be effected after the first general elections. Election of aldermen after division into wards.

The quorum of the council shall consist of the majority of the members thereof. Quorum of council.

SECTION VII

QUALIFICATION OF MEMBERS OF THE COUNCIL

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

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

(a) He is a British subject ;

(b) He is of the full age of majority ;

(c) He has resided in the town or has had his business place therein during a period of six months immediately preceding his nomination ;

(d) He possesses, during a period of six months next preceding his nomination, as a proprietor immoveable property of the value, after deducting all charges, claims, privileges and hypothecs thereon, of four hundred dollars for the office of alderman, and eight hundred dollars for the office of mayor.

15. If thereunto required by a ratepayer the members of the council shall produce and file, within a delay of eight days, with the secretary-treasurer a written declaration describing the immoveable property which qualifies them to hold office. Declaration of qualification may be required from members of council.

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

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

Present
mayor and
councillors of
village.
Pro-mayor.

The mayor and councillors of the village of Shawinigan Falls shall remain in office until their successors have been elected.

At the first session in 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 author-
ity, &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 aldermen elected at the first election shall remain in office for one year only. The mayor and other aldermen shall go out of office the following year.

Selection of
those to
retire.

The three aldermen going out of office at the expiration of the first year shall be designated by lot in the manner determined by the council.

SECTION VIII

QUALIFICATION OF ELECTORS.

R. S., 4227,
replaced for
town.

Qualification
of electors.

17. Article 4227 of the Revised Statutes is replaced for the town by the following :

Every male person, not legally disqualified nor otherwise deprived of the right to vote in virtue of this act, is a municipal elector, and as such is entitled to vote at the election of the mayor and aldermen, and to exercise all the rights and privileges conferred upon municipal electors under the provisions of this act, who, at the time he exercises such rights or privileges, 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 six 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 possessed, during a period of six 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 ;

(e) In the case of a co-proprietor of immoveable property, his portion in the said property must be a sufficient amount to entitle him to become an elector ;

(f) He must have paid at least three days before the voting all his taxes and assessments for municipal and school purposes ;

(g) His name must be entered on the list of electors.

SECTION IX

ELECTIONS

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

The municipal elections shall be announced by a public notice in the English and the French languages, posted during the eight days next preceding the date of the election in the council room, and it shall be signed by the secretary-treasurer, and shall mention the day, the hour and the place when and where the election shall be held.

R. S., 4232,
replaced for
town.

Notice of
election.

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

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 alderman equal to the number to be replaced, they also shall be declared elected by acclamation ; otherwise, in both cases, voting shall take place as hereinafter provided.

R. S., 4238
and 4239,
replaced for
town.

Proceedings
at nomina-
tion.

Polling in-
certain
event.

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

The first general election shall take place during the month of June, 1902, and the other elections in each subsequent year in the manner hereinafter set forth.

R. S., 4229,
replaced for
town

First general
election and
subsequent
elections.

21. The nomination shall take place at the hour of ten of the clock in the forenoon, on the first Monday of June, and, if necessary, the voting shall take place on the second Monday of the same month, from the hour of nine to the hour of five of the clock on the same day.

Nomination.
Voting.

22. The nomination for mayor and for aldermen shall take place in the council room.

Where nom-
ination to
be held.

SECTION X

VOTING

23. (1) The election for mayor and aldermen shall take place by ballot and the provisions of the Quebec Election Act, 1895, and of the amendments thereto, shall govern and regulate such elections *mutatis mutandis*, save the provisions contained in this act.

Proceedings
at voting
how gov-
erned.

Form of
oath to be
administered
to voters.

2. The form of oath to be administered to the electors shall be as follows :

“ You swear that you are (*name, residence and occupation of the elector as entered on the list*) whose name is entered on the list of electors now shown to you (*the list must be exhibited to the elector*), that you are twenty-one years of age or more, and a British subject, that you have not already voted in this election, that all your municipal and school taxes and assessments have been paid in accordance with the provisions of the law and the by-laws of the corporation, that you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election. So help you God.”

Interpreta-
tion of terms
in Election
Act.

3. In the application of the Quebec Election Act to the elections held under this act, the words “returning officer” shall mean the president of the meeting, the words “deputy returning officer” shall mean the deputy presiding officer, and the words “clerk of the crown in Chancery” shall mean the secretary-treasurer of the town.

Deposit not
required.

4. No deposit shall be required.

Nomination
to be in wri-
ting, &c.

5. The nomination shall be made in writing and shall be signed by at least ten qualified electors.

SECTION XI

SECRETARY-TREASURER

R. S., 4329,
4330 and
4332, replaced
for town.

Security of
secretary-
treasurer.

24. 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 eight hundred dollars ; it may consist in an insurance policy issued by a guarantee company approved by the council, and the premium whereof may be paid by the corporation and charged to the secretary-treasurer.

SECTION XII

FISCAL YEAR

Fiscal year.

25. The fiscal year shall commence on the first of January and terminate on the thirty-first of December in each year.

Annual
general state-
ment of re-
ceipts and
expenditure.

26. During the first fifteen days of the month of January in each year, the secretary-treasurer shall submit to the council a general statement on oath, showing the receipts and the expenditure for the next preceding twelve months.

27. The secretary-treasurer shall also, at the time herein-before mentioned, submit to the council statements showing the moneys, taxes and fines due to the corporation, as well as a list of the assets and liabilities of the corporation, the whole accompanied by a certificate of the auditor certifying the said statements to be correct.

Generalstate-
ment of taxes,
assets and
liabilities, &c.

28. The auditing of the books mentioned in article 4352 of the Revised Statutes shall take place during the last fifteen days of the month of January in each year.

Auditing.

SECTION XIII

BY-LAWS

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

General pow-
er to pass by-
laws respect-
ing :

- (a) To cause the arrest on view of any person violating a municipal by-law ;
- (b) To prevent trotting or racing over bridges ;
- (c) To prohibit the use of pipes on roofs, and to fix and determine the material to be used in the construction of roofs ;
- (d) To suppress any game of skill or athletic performance or to authorize the same by license ;
- (e) To regulate wood- and coal-yards and other depots of like nature ;
- (f) To prohibit sweepings, filth and nuisances, and order their removal from the streets, ditches, water-courses, lanes, sidewalks, parks or other public places ;
- (g) To regulate the construction of privies, cellars, drains, ovens, steam- or gasoline-engines in all manufactories or workshops ;
- (h) To order the closing of any establishment, where intoxicating liquors are sold, on the day of the municipal elections, on Sundays, religious or civil holidays and at certain hours of any other day ;
- (i) To determine the manner of placing or to prevent the placing of signs, posts, or similar objects on the streets or other public places ;
- (j) To prohibit the erection of stables, sheds, privies, or other similar buildings, which might cause a nuisance in any part of the municipality, 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 indemnity to the proprietor ;

Offenders
against by-
laws ;

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

Games of
skill, &c ;

Wood-yards,
&c ;

Nuisances,
&c ;

Privies, &c.

Closing of
taverns, &c. ;

Signs, &c. ;

Erection of
stables, &c. ;

- Telegraph, &c., wires ; (k) To order the removal of telegraph or telephone wires, so as to avoid any obstructions on the streets ;
- Flags, &c. ; (l) To order the removal of all flags, banners or other objects used for the same purpose when trespassing on any public place ;
- Transportation of buildings, &c. ; (m) 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, under such conditions as regards damages as may be agreed upon ;
- Building encroaching on lines of streets ; (n) 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 be encroaching on the street ;
- Purchase of such lots. (o) 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 hereinafter provided ;
- Construction of buildings, &c. ; (p) To regulate the mode of construction of buildings in the municipality.

SECTION XIV

VALUATION ROLL

- R. S., 4498, amended for town. **30.** The first paragraph of article 4498 of the Revised Statutes is replaced for the town by the following :
- Assessors to make valuation roll in July and August. 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.
- How to be made when town divided into wards. The valuation of the immoveable property shall be made separately in each ward of the town when the town shall be divided into wards.
- What further to contain. The valuation roll shall also contain the names of all lessees and occupants, and of any other person subject to taxation or assessment.

SECTION XV

STREETS

- Power to pass by-laws respecting sidewalks. **31.** The corporation shall have power to pass by-laws to order, from time to time, as it may deem convenient, or to change, the construction and maintenance of sidewalks in

the municipality and order that the cost thereof shall be charged either to the proprietors or be paid by the corporation.

32. Whenever the corporation shall make or maintain the sidewalks, it shall be lawful for the council to levy, if necessary, a special tax or assessment therefor upon the persons interested, or to impose a general tax or assessment for the same object, and to collect in addition ten per cent. over the amount of such tax or assessment to cover loss arising in collection.

Special tax for construction or maintenance of sidewalks.

33. Whenever a sidewalk is made on one side of the street only, the corporation may cause the cost of construction and maintenance thereof to be paid by the proprietors, lessees or occupants on both sides of the street, and each in proportion to the value of the property or to the amount of rent paid, as the case may be.

If sidewalks are made on one side of street only.

34. In cases where the corporation is not responsible for the construction and maintenance of the sidewalks, it may regulate and determine by whom, when and in what manner, of what size and material, and where the sidewalks in the streets and public places shall be made, placed or repaired.

Regulation of sidewalks made by others than the corporation.

35. No person shall make a sidewalk in front of his property unless in conformity with the instructions of the building inspector and in accordance with the by-laws regulating the time and manner of such construction.

Sidewalks to be made according to instructions.

36. In case of failure to submit to such orders, the corporation may construct or rebuild such sidewalk, if necessary, in order to remove those which might cause a nuisance.

If not so made.

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

R. S., 4463, replaced for town.

The council may 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.

Sidewalks to be kept free from ice, &c.

The corporation shall have 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.

38. 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

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

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 inspector or may make same at such person's expense, if amount does not exceeds five dollars.

39. 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 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.

40. 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.

41. 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.

SECTION XVI

APPROVAL OF THE ELECTORS

R.S., 4529, replaced for town.

42. Article 4529 of the Revised Statutes is replaced for the town by the following :

Approval by proprietors for by-laws authorizing loans.

Every by-law authorizing a loan must, before coming into force, be approved by the majority in number and in real estate value of the electors of the municipality who have voted and who are proprietors.

Certain women may vote.

Spinsters and widows who are proprietors, shall have the right to vote on any by-law submitted to the approval of the electors, provided they possess in other respects the qualifications of municipal electors.

Certain corporations also, through their agents.

Provided however that the following corporations, viz. : the Shawinigan Water and Power Company, the Royal Aluminum Company, Limited, the Belgo-Canadian Pulp Company and the Shawinigan Carbide Company, by reason of the immoveable property which they respectively possess, which is liable to general or special assessment and of sufficient value to qualify a municipal elector, shall, when a by-

law is submitted to the electors for approval, have the right to vote through their authorized agents or attorneys, if they give the names of such agents or attorneys to the secretary-treasurer five days before the date fixed for the voting.

43. Article 4532 of the Revised Statutes is replaced for the town by the following :

R. S., 4532, replaced for town.

When a by-law is submitted to the approval of the electors, the proceedings shall be as follows :

Proceedings for voting on by laws by electors.

The general meeting of the electors who are property owners is called at least eight days before the date of such meeting by a public notice, which must be signed, published and posted in the manner mentioned in article 18 of this act, and the said meeting is held at ten o'clock in the morning on the day, at the hour and the place determined by the council.

Notice convening meeting, how given, signed and published.

When and where meeting held.

The meeting shall be presided over by the mayor, and if the mayor is absent, by the pro-mayor, or if both are unable to preside, by one of the aldermen appointed by the secretary-treasurer.

Mayor to preside, &c.

The secretary-treasurer shall act as the secretary of the meeting ; he shall read the by-law and submit the same to the meeting.

Secretary of meeting and his duty.

If one hour expires after the meeting is opened and if a poll is not demanded by the electors, the by-law is considered approved.

If no poll demanded within certain time.

Six electors, present at the meeting and qualified to vote at the same, may demand a poll.

Who may demand a poll.

44. Article 4533 of the Revised Statutes is replaced for the town by the following :

R.S., 4533, replaced for town.

Upon such demand, the president of the meeting shall grant the poll, which shall remain open until five of the clock in the afternoon of the same day.

Poll to be granted and to be held at once.

The president may absent himself during the holding of the poll, provided he be replaced by a member of the council.

Temporary absence of presiding officer.

SECTION XVII

EXEMPTIONS

45. (1) Article 4500 of the Revised Statutes is replaced for the town by the following :

R. S., 4500, replaced for town.

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 municipal corporation ;

(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 or prison 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 said lessee or occupant personally.

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 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.

Property of certain corporations also exempt from taxation for certain term of years.

46. All and every the lands occupied by the Shawinigan Water and Power Company, the Royal Aluminum Company, Limited, the Belgo-Canadian Pulp Company, and the Shawinigan Carbide Company, and used in connection with the industries carried on by the said companies in the town and including water-power, dams, electric power, posts, electric wires, transmission lines, as well as all the buildings, plant and machinery of every kind which may be now or hereafter placed thereon and required and used for the purpose of the said industries, are hereby exempt from municipal taxes for a period of twenty years to be reckoned from the day upon which this act shall come into force.

Description of property, &c., exempt.

The above described immoveable property is known as :
Lots Nos. 1, 2 and 3 on the subdivision plan of cadastral lot No. 637, and also lots Nos. 1398, 1399, 1400, 1401, 1402,

1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410 and 1411 on the subdivision plan of cadastral lot No. 628 on the official plan and book of reference of the parish of Ste. Flore, and the islands known as Nos. 1050, 1051 and 1052 on the official plan and book of reference of the parish of Notre-Dame du Mont-Carmel ; and also that piece of ground occupied by the Shawinigan Carbide Co. known as part of cadastral lot No. 624, on the cadastral plan of Ste. Flore.

47. It is also hereby provided that, in consideration of the exemption provided in article 46 of this act, the Shawinigan Water and Power Company, the Royal Aluminum Company, Limited, the Belgo-Canadian Pulp Company, and the Shawinigan Carbide Company, shall pay the following sums in lieu of municipal taxes on the said properties, namely : the Shawinigan Water and Power Company, the sum of thirteen hundred and thirty-three dollars and thirty-three and one third cents ; the Royal Aluminum Company, Limited, the sum of six hundred and sixty-six dollars and sixty-six and two thirds cents, and the Belgo-Canadian Pulp Company, the sum of one thousand dollars, and the Shawinigan Carbide Company, the sum of four hundred dollars ;

Companies whose property is exempt from taxation under article 47, to pay certain municipal taxes during the said term.

Provided however that, in case the above named companies extend their mills, plants and power before the expiration of the above period of twenty years, the amount then to be paid by the said companies respectively, shall be calculated proportionately to the extensions to their respective mills, plants and power.

Proviso.

SECTION XVIII

TAXATION POWERS

48. The council shall be empowered to 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.

General power of taxation for certain purposes.

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

Power to tax for improvements.

50. In order to levy the sum required to defray the expenses of administration and for paying the cost of any public improvements and discharging the obligations of the

Power to tax for expenses of administration.

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 and assessments, license fees, or other assessments as hereinafter mentioned.

Certain statement to be in tax by-law

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

Certain laws not to apply

52. Article 4614 of the Revised Statutes and article 162 of chapter 12 of the act 63 Victoria, shall not apply to the town.

Tax upon immoveable property.

53. 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 demands, &c., for licenses for sale of liquors, &c.

54. The council shall have the right and power, by by-law, to exact an annual sum, not exceeding two hundred dollars, which it shall fix, payable in advance to the corporation, by any person praying by petition for the granting or confirmation of any certificate for obtaining a license to keep an hotel, inn, bar-room, café, restaurant, 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 ; to determine under what restrictions and conditions and in what manner the transfers of licenses shall be accepted by the collector of revenue, and to impose a transfer fee of fifty dollars payable to the town.

Further sum for confirmation of certificate, &c.

Also a transfer fee.

Professional tax.

55. The council shall have power to impose an annual tax, not exceeding ten dollars, upon any persons exercising in the town the profession of physician, advocate, 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.

Tax upon partnerships.

56. Any partnership formed for the purpose of exercising any profession mentioned in the preceding article shall be liable for the payment of the tax which shall be considered as imposed upon each of the partners separately, without prejudice to the claim of the partnership against each of the partners for such payment according to his share.

The professional tax shall be due by every person subject thereto, even if such person does not reside in the town, provided he has an office situated therein.

Non residents liable for professional taxes.

57. The council may impose a tax, not exceeding twenty-five cents for every one hundred dollars of the average value of any stock in trade or merchandise, held by merchants or traders and offered for sale, or stored in any place whatsoever.

Tax upon stocks in trade, &c.

58. The council shall also have the right to oblige any stranger or person residing within the limits of the town 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 upon every trader in the town selling by auction, to pay a fee or to take a license not exceeding fifty dollars, with an additional fee of ten dollars on the day of the sale.

License required to sell bankrupt &c. stock.

59. The council may also, by by-law, prohibit any person residing outside the limits of the town, personally or by his employees, from soliciting or taking orders 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.

Tax upon persons temporarily selling certain goods, &c.

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

Exception.

60. The council may also 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.

Regulation of ferries.

61. Such licenses shall be payable on demand to the secretary-treasurer or to the person delegated by him, and if they are not paid they may be recovered by an order addressed to any bailiff and issued under the signature of the mayor immediately after refusal of, or default in payment, shall be ascertained ; and the merchandize may be seized and sold by such bailiff for the payment of such licenses, according to the same rules and under the same responsibility and penalties as under a writ of execution against moveable property issued by the Circuit Court, and without prejudice to the fine and penalty incurred for such violation.

When licenses payable, &c. Proceedings if not paid.

62. The council may also impose upon any tenant paying rent in the town, an annual tax not exceeding five cents on

Tax upon tenants.

every dollar of the amount of such rent as entered on the valuation roll or of the annual 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, that is to say, that every lessee shall pay at least one dollar per year.

Tax upon salaries, &c.

63. The council may also 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, and if such person 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 year, in addition to the real estate tax.

Poll-tax.

64. 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 during a period of six months, and who is not already taxed under the provisions of this act, the annual sum of two dollars and said tax shall be known as poll tax.

Exemptions therefrom.

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

Tax on trades, &c.

65. 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, companies or corporations in the town.

Power of corporation to levy certain specified taxes, &c., upon

66. 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 fix, impose and levy upon all trades, manufacturing enterprises, financial and commercial establishments, occupations, arts, professions, or other means of profit or livelihood, the following fees or taxes, viz :

Keepers of billiard rooms, &c ;

1. A tax, not exceeding \$100.00, upon all persons keeping billiard rooms, bowling alleys, pigeon-holes, shooting galleries, and 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 upon every boatman ;

2. A tax, not exceeding \$200, upon all dealers, by retail, in wine or fermented or intoxicating liquors, and upon all brewers and distillers ; Dealers by retail in wines, &c.
3. A tax, not exceeding \$50.00, upon all traders, manufacturers, hucksters and second hand dealers ; Traders, &c. ;
4. A tax, not exceeding \$50 00, upon all pedlars, and travelling merchants, and also upon dealers in second-hand goods and other such articles ; Pedlars, &c. ;
5. A tax, not exceeding \$5.00, upon all cabmen, teamsters, hackmen, and other persons engaged in the town in the transportation of persons, merchandise, effects and products of any kind, as well as upon horse-dealers and upon owners of race-horses ; Cabmen, &c. ;
6. A tax, not exceeding \$10.00, upon any person carrying on the business of livery-stable, or engaged in renting bicycles or other vehicles, and also upon persons renting boats, skiffs, or any other water craft ; Livery stable keepers, &c. ;
7. A tax, not exceeding \$100.00, upon all proprietors of slaughter-houses in the town ; Proprietors of slaughter-houses ;
8. A tax, not exceeding \$10.00, upon draughtsmen, oil painters, portrait painters, engravers, lithographers, sculptors, printers, editors, journalists, photographers, stenographers, copyists, penmen, and upon any other person exercising any profession, art or trade whatsoever ; Draughtsmen, &c. ;
9. A tax, not exceeding \$5.00, upon all machinists, carpenters, contractors, joiners, cabinet-makers, carriage makers, upholsterers, turners, and boat builders ; Machinists, &c. ;
10. A tax, not exceeding \$10.00, upon all gold or silver-smiths, jewellers, clock-makers and watch-makers, black-smiths 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 ; Goldsmiths, &c. ;
11. A tax, not exceeding \$10.00, upon all bakers, caterers, butchers, barbers, confectioners, brushmakers, carders, gardeners, moulders and coopers ; Bakers, &c. ;
12. A tax, not exceeding \$10.00, upon all shoemakers, saddlers, tanners, leather dressers and curriers ; Shoemakers, &c. ;
13. A tax, not exceeding \$10.00, upon any house painter, decorator and paper hanger ; House-painters, &c.
14. A tax, not exceeding \$10.00, upon all masons, stone-cutters, marble-cutters, plasterers, and bricklayers ; Masons, &c.,
15. A tax, not exceeding \$10.00, upon all tailors, dress-makers, florists, and undertakers ; Tailors, &c.

- Persons using steam-engines, &c. ; 16. A tax, not exceeding \$100.00, upon all persons in possession of and using steam, electric, or gas engines or other motors, or any mechanical apparatus used in the process of wood and iron working ;
- Shops where workmen are employed, &c. ; 17. A tax not exceeding \$15.00, upon all shops and workshops, where several workmen are employed, and a tax, in addition to any other tax already imposed, and which shall be known as " first and second class workshop and store tax. All the stores and workshops shall be, under the instructions of the council, divided by the town valuator into two classes ; those of the first class, and those of the second class, according to the number of workmen employed therein. The said tax shall be of \$1.00 per year upon every first class workshop and store, and of 25c. per year upon all second class workshops or stores ;
- Division of shops into two classes, &c. ;
- Bankers, &c. ; 18. A tax, not exceeding \$100.00, upon all bankers and their agents, brokers, exchange agents, money-lenders, pawn-brokers and their agents, and upon all auctioneers.
- Life insurance companies, &c. ; 19. A tax, not exceeding \$25.00, 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 ;
- Navigation companies, &c. ; 20. A tax, not exceeding \$100.00, upon all navigation, railway, tramway, telegraph, telephone, 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 ;
- Proprietors, &c., of passenger &c. steamboats, &c. ; 21. A tax, not exceeding \$50.00, upon all proprietors of, 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 ;
- Commission agents, &c. ; 22. A tax, not exceeding \$25.00, 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 ;
- Real estate agents, &c. ; 23. A tax, not exceeding \$25.00, upon all real estate agents, investment and intelligence bureaus ;
- Detective bureaus, &c. ; 24. A tax, not exceeding \$25.00, upon all detective bureaus and upon all constables not under the control of the town or of the government ;
- Newspaper agencies, &c. ; 25. A tax, not exceeding \$5.00, 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 ;

26. A tax, not exceeding \$50.00, upon all milkmen, proprietors of steam laundries, as well as on all proprietors of dye-works, and ice-houses who distribute ice in the limits of the town ; Milkmen, &c.

27. A tax, not exceeding \$200.00, upon all outside traders, or commercial agents, and their clerks or employees, coming from other municipalities into the town for the purpose of selling or offering for sale any article of commerce whatsoever, with the exception of those selling by samples, catalogues or price-lists. Outside traders, &c., selling in town, &c.

67. The amount of the special tax, or dues for license permits 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. How amount of such license is fixed :

SECTION XIX

GENERAL PROVISIONS

68. 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.

69. 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. It shall not be in the power of the council or its officers to discharge such interest. Interest upon taxes, &c. Not be discharged.

70. The amount of the fees or dues for licenses, permits and taxes, which the council may impose under this act, shall be fixed and determined in the discretion of the council, and may be imposed and levied by the same or by different by-laws, and shall be payable, annually, upon the date fixed by the council. How amount of fees or dues for licenses, &c., are fixed.

Taxes by resolution voted for one year.

71. 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 and dues, under by-laws, to be permanent.

72. The special taxes and dues for licenses 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, without further municipal ordinance, until such by-law is repealed or amended in the ordinary manner.

Special taxes may be in form of licenses, &c.

73. The special taxes or dues for permits and licenses mentioned in this act may, in the discretion of the council, be imposed and levied 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 assessment roll or of sending to the person indebted any notice or statement of account; and the collection thereof may be effected in accordance with articles 89, 90 and 91 of this act, and of articles 4522 and following of the Revised Statutes.

Persons carrying on business for part of year only.

74. Any person who, during the year, carries on or practices 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.

Licenses by whom signed and effect thereof.

75. 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.

Except with the consent of the council, no license or permit shall be transferable by the holder thereof.

76. 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.

Licenses to be exhibited when lawfully required, &c.

77. 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 XX

COLLECTION OF TAXES

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

R. S., 4550, replaced for town.

The general assessment roll, mentioned in the preceding article, is prepared at the time fixed by the council every year ; and, at the expiration of the period of twenty days, which shall follow its publication, according to article 4549 of the Revised Statutes, 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 ratepayer, according to the form hereinafter, or to the same effect, and by forwarding such statement of account to every ratepayer 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.

When general assessment roll to be prepared. Demand of payment thereof to be made by notice to ratepayers, &c.,

FORM

Form of such notice.

PROVINCE OF QUEBEC,

Office of the secretary-treasurer,
of the town of Shawinigan Falls, P.Q.

Mr.

To the town of Shawinigan Falls

Debtor.

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 a 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 before the day of _____ 19____

Dated at the town of Shawinigan Falls, this

(Signed)

Secretary-Treasurer.

R. S., 4551,
replaced for
town.

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

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

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 by the seizure and sale of all the chattels and moveable effects belonging to such person, which may be found in the municipality.

Seizure by
garnishment.

80. The corporation may levy all taxes, assessments, dues and debts under a seizure by garnishment executed under a writ signed by the mayor, enjoining such garnishees not to dispossess themselves of the moveable effects or moneys which they may have in their possession, belonging to the debtor until such time as it is otherwise ordered by the court, and ordering them as well as the defendant to appear before the Circuit Court upon the date fixed; and proceedings shall be had upon such writ according to the provisions of the Code of Civil Procedure before the said court.

Collection of
special taxes,
&c.

81. The collection of the said special tax and special compensation may be made in the same manner as that of the dues on permits and licenses.

SECTION XXI

EXECUTION OF BY-LAWS

Penalty by
fine and im-
prisonment
for breach of
by-laws, &c.

82. In order to insure the execution of its by-laws, the council may order the payment of fines, with or without costs, as a penalty, or imprisonment, and fix in the said by-laws, in an absolute or discretionary way, the amount of the fine and the term of imprisonment; and, in case of a fine, with or without costs, the council may order imprisonment in default of immediate payment of the said fine and costs.

83. Whenever the by-law does not impose a penalty, the fine may be imposed by the court in its discretion ; but in all cases the fine shall not be less than one dollar nor exceed twenty dollars with or without the costs, and the term of imprisonment shall not be less than one day nor exceed three months.

If by-law impose no penalty court may impose fine.

Limit in such case.

84. If the violation of this act or any by-law of the council continues, the same shall constitute a separate offence for each day, and a fine may be recovered or imposed for each day of the duration of such infringement.

Continuous offences.

85. Whenever any person is prosecuted for drunkenness or arrested on view, or prosecuted under an information by a constable of the town for an offence committed against the provisions of this act or of any by-law, it shall not be necessary to file a written complaint, but the complaint made under oath by the constable before the court or the judge shall be considered sufficient.

Written complaints not necessary in certain cases.

86. Whenever the defendant shall request that the complaint be made in writing, the court shall instruct the clerk to take the same in writing

Defendant may require written complaint.

87. Any officer or member of the council shall be a competent witness in all prosecutions instituted and decided under this act.

Who are competent witnesses.

88. In all actions, proceedings, or complaints, instituted by the corporation, or by any person for the violation of the provisions of any by-law of the council, it shall not be necessary to allege or prove that the formalities required for the passing of such by-law have been followed ; such formalities shall be presumed to have been followed until the contrary is proved.

Certain proof not be made on complaint, &c.

89. Whenever any corporation, association or partnership recognized by law shall incur any penalty, the fine and costs shall be levied by the seizure and sale of the goods and effects belonging to said corporation, association or partnership, under a writ of execution issued in the usual manner.

Penalties incurred by corporations levied by execution.

90. Proceedings had on such writ shall be those had on writs of execution issued by the Circuit Court or by the recorder's court.

Proceedings on writ.

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

R S , 4592, replaced for town.

Law to govern prosecutions, &c.

Unless there are special provisions to the contrary, all suits instituted before the mayor or 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, and the amendments thereto, in so far as the same shall not be inconsistent with the provisions of this act ;

Prosecution by arrest or summons.

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

R. S., 4596, replaced for town.

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

Certificates of service by bailiffs.

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

By-law, &c., need not be recited in complaint, &c.

In any action, prosecution or complaint, instituted before the mayor or a justice of the peace, it shall not be necessary to specify and recite the provisions of the law or by-law, under which such action, prosecution or complaint is instituted, but it shall be sufficient to state that the same are made under the law or the by-law enacted for that purpose.

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

93. No action or prosecution relating to any claim in damages arising from an offence or quasi-offence shall 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 thirty days from the act of commission or of omission which forms the subject of the claim, or unless such action or prosecution is served upon the town within the six months from the day on which the right of action arose.

Prescription of such suits.

Arrest on view.

94. Constables shall also have the right to arrest, on view and without warrant and without being requested so to do by the council or any member thereof, any person found disturbing the public peace or loitering in the limits of the town and refusing to give a satisfactory account of himself.

SECTION XXII

LOANS

R. S., 4523, replaced for town.

95. Article 4523 of the Revised Statutes is replaced for the town by the following :

Town council may borrow certain sums for certain purposes, &c.

The town council is authorized to effect, by by-law approved under this act, a loan or loans not exceeding a total amount of two hundred thousand dollars, which shall be applied to improving its roads and streets, to constructing sewers and to improving the present water-works, to ex-

tinguishing the floating debt, to executing extraordinary work on the streets, to improving the fire department and to the expenses in general of the town.

SECTION XXIII

EXPROPRIATIONS.

96. Article 4562 of the Revised Statutes is amended for the town by adding thereto the following paragraphs: R. S., 4562, amended for town.

5. The lands, known as the Peninsula, occupied and used by the Shawinigan Water and Power Company for the development of the water power in the municipality; Certain property that cannot be expropriated without consent of owners thereof.

6. The lands owned and occupied by the Shawinigan Water and Power Company, being a strip of land situate alongside and following the sinuosities of the St. Maurice river and the Shawinigan river, and measuring a width of one hundred feet at right angles with the high water mark of the St. Maurice river and the Shawinigan river, as described on the plan and report of J. P. B. Casgrain, civil engineer, and special superintendent appointed to report upon the incorporation of the municipality of the village of Shawinigan Falls, and duly deposited with the Provincial Secretary;

7. The lands occupied and used by the Shawinigan Water and Power Company, being three islands situate in the St. Maurice river, bearing the Nos. 1050, 1051 and 1052 of the official plan and book of reference of Notre-Dame du Mont-Carmel.

97. In addition to the provisions contained in the general laws governing town corporations, it is also enacted as follows: Provisions respecting expropriations.

1. In case the proprietor of a property expropriated refuses or neglects during more than eight days to appoint an arbitrator, after having received a copy of the resolution of the council passed to that effect, or a request to appoint such arbitrator, the arbitrator appointed by the corporation and the arbitrator appointed by the court shall act alone and with the same effect as if the expropriated person had appointed an arbitrator. If expropriated proprietor does not name arbitrator.

2. If the said two arbitrators cannot agree upon the award to be rendered, or on the appointment of a third arbitrator, then upon a petition by the corporation or by the proprietor, such third arbitrator shall be appointed by a judge of the Superior Court, and shall act jointly without delay with the other arbitrators until the final award is rendered. If arbitrators cannot agree, appointment of third by court.

Payment of award.

Proceedings in case payment not accepted, &c.

3. The award of arbitrators shall be followed by payment of the amount of the indemnity, and, in case of refusal to accept the same by the proprietor, or in case the proprietor shall not accept by reason of his absence or other impediment, the amount of such indemnity shall be kept on deposit by the corporation, and no interest exceeding four per cent. shall be payable on the same; or such amount may also be deposited under the provisions of the law relating to judicial deposits, such deposits being equivalent to a discharge.

Effect of award, &c.

4. The award of arbitrators containing the description of the land, when passed before a notary and duly registered, shall be equivalent to a good and valid title.

SECTION XXIV

MISCELLANEOUS PROVISIONS

Deposit of money in banks, by secretary-treasurer.

How moneys to be drawn therefrom.

98. The secretary-treasurer shall, as soon as he shall have twenty-five dollars or more in his possession, deposit temporarily in a corporate bank the moneys arising from the collection of assessments, taxes and other sources, and belonging to the corporation of the town; and said moneys shall only be drawn from the said bank upon orders or cheques signed by the mayor, or in his absence by the pro-mayor, and countersigned by the secretary-treasurer.

Posting of public notices.

99. Public notices shall be sufficient if they be posted up in the town hall.

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

100. 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 report 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 any one of their number, or by any persons who are authorized by law to make such proceedings, the Superior Court or a judge thereof 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.

SECTION XXV

RECORDER'S COURT

Establishment of recorder's court.

101. 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.

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.

102. 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 Three Rivers, 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.

103. 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.

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

Salary of recorder.

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

Appointment of substitute and clerk.

106. 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, or 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.

107. The recorder's court may hear and try summarily all offences mentioned in section 32 of the act 23 Victoria, chapter 72, as well as in articles 2783 to 2795, both inclusive of the Revised Statutes ; and article 2782 of the said Revised Statutes shall apply to the recorder *mutatis mutandis*.

Certain offences may be heard and tried summarily by recorder.

The court shall also have jurisdiction in all suits for the recovery or imposition of any fine or penalty resulting from any infringement of this charter or of any by-law of the town.

108. Articles 488 to 526, both inclusive, of the act 62 Victoria, chapter 58, shall apply to the recorder's court of the town of Shawinigan Falls, and articles 478 to 481 of the said act shall apply to the clerk of the said court.

Certain articles of charter of Montreal to apply.

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

Coming into force.