

Redemption. all owners of real estate sold under the authority of this section, shall be allowed to resume possession of the same within the space of two years next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said council under this act, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate, and moreover the costs incurred to make such sale, and in addition five per centum over and above the interest as well on the amount of purchase money and costs as on the price of the said outlay ; and provided

Further proviso. also, that if, after such sale of property, any surplus shall remain over and above the sum due to the said council, for assessment and costs, such surplus shall be deposited by the said secretary-treasurer in the office of the prothonotary of the superior court of the district of Montreal, to be paid to the person entitled thereto.

Effect of sale. Such sale shall have the effect of freeing the immovable sold from any hypothec or charge whatsoever as if it had been made by the sheriff of the district."

Coming into force. **18.** This act shall come into force on the day of its sanction.

CAP. LXV

An Act to consolidate the acts incorporating the town of Farnham.

[Assented to 10th March, 1899]

Preamble.

WHEREAS the corporation of the town of Farnham has, by its petition, set forth that it is necessary to amend and consolidate the acts 40 Victoria, chapter 47, and 49-50 Victoria, chapter 52, respecting the said corporation, and has prayed that more ample and better defined powers be granted to it ; and whereas it is expedient to grant its prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

TITLE I.

ORGANIZATION OF THE TOWN AS A CORPORATION

SECTION I

INCORPORATION OF THE TOWN

1. This act shall be known as "The charter of the town of Name of act. Farnham."

2. The acts 40 Victoria, chapter 47, and 49-50 Victoria, 40 V., c. 47, and 49-50 V., c. 52, repealed. chapter 52, are repealed.

3. From and after the passing of this act, the inhabitants of the town of Farnham, as hereinafter described, and their successors, shall be and they are hereby declared to be a body politic and corporate, in fact and in law, under the name of "The corporation of the town of Farnham," and Corporation constituted. separated from the county of Missisquoi for all municipal Name. purposes; and, under such name, they and their successors Separate from county of Missisquoi. shall have perpetual succession, and shall be capable of General powers. appearing in law, suing and being sued in all courts and in all actions, causes and complaints whatsoever; they shall have a common seal, which they may change and modify at pleasure, and shall in law be capable of receiving by donation, acquiring, holding, transferring and alienating property, moveable and immoveable, for the use of the town, of becoming parties to all contracts or agreements in the management of the affairs of the town, and of giving or accepting all notes, bonds, obligations, judgments or other instruments or securities for the payment or for insuring the payment of any sum of money borrowed or loaned or due, or for the execution of any other duty, right or thing whatsoever.

4. All *procès-verbaux*, resolutions, orders, lists, statements of dues, by-laws, ordinances, agreements, provisions, engagements, contracts and things done and consented to by the councils of the village of West Farnham and of the said town of Farnham, shall continue to have their full and entire effect in the town of Farnham as if this act had not been passed, until such by-laws, agreements and contracts have been duly repealed, amended or fulfilled by the corporation of the town, and the corporation, as constituted under this act, shall, for all intents and purposes, succeed to and be substituted in all the obligations, rights, claims, privileges, actions and duties of the municipal councils of the village of West Farnham and of the said town of Farnham. Procès-verbaux, &c., continued.

SECTION II

MUNICIPAL OFFICERS

Officers, &c.,
continued in
office.

5. The municipal officers and employees appointed by the town council shall remain in office during the good pleasure of the council, or until removed or replaced by the council.

SECTION III

BOUNDARIES OF THE TOWN AND WARDS

Limits of the
town.

6. The municipality of the town continues to exist with its actual limits and boundaries, which shall be the following :

1. The limits of the town shall be the same as those of the village of West Farnham, with an additional extent of forty perches, French measure, commencing from the limits of the said village, and at all points of the said limits to extend the same distance of forty perches.

Division into
wards.

2. The said town shall be divided into four wards which shall respectively be designated and known as ward number one, ward number two, ward number three, and ward number four.

Ward No. 1.

3. Ward number one shall include all that part of the town situated in and forming part of lots numbers forty-five and forty-six in the fourth and fifth ranges of the south side of the river Yamaska.

Ward No. 2

4. Ward number two shall include all that part of the town situated on lots numbers forty-three and forty-four of the fourth and fifth ranges of the south side of the said river.

Ward No. 3.

5. Ward number three shall include all that part of the said town situated on lots numbers forty-one and forty-two of the fourth and fifth ranges of the south side of the said river.

Ward No. 4.

6. Ward number four shall include all that part of the said town situated on lots numbers forty-one, forty-two, forty-three, forty-four, forty-five and forty-six of the fifth range on the north side of the said river.

Change in
boundaries of
wards.

7. The council of the town shall have full power and authority to revise and change, by by-law passed in the usual manner, the boundaries of the various wards of the town, if deemed necessary so to do, for the better administration of the affairs of the town; provided always that it shall and may 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 municipal authorities of the town, and the consent of the said authorities signified by a by-law passed by them for such purpose, in the usual manner, to demand and obtain that the said property be included in the limits of the town, and

Annexation of
territory.

so on successively 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.

SECTION IV

TOWN COUNCIL

8. Article 4194 of the Revised Statutes is replaced by the following, for the town :

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 Farnham," and six competent persons, to be and who shall be called, "the councillors of the town of Farnham"; 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: one for ward number one, three for ward number two, one for ward number three, and one for ward number four; 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.

9. Article 4216 of the Revised Statutes is replaced by the following, for the town :

R. S., 4216,
replaced for
town.

No person shall be elected mayor unless he can read and write, nor shall any one be elected mayor or councillor unless he is of full age of majority and is a British subject, and unless he shall have resided and kept house in the town, during one year next preceding such election and resides therein while in office, and unless he is possessor as proprietor in his own name or in that of his wife, of immovable property in the said town, of the value, according to the valuation roll in force, after deduction of all charges, claims and mortgages thereon, of \$400 for the office of councillor and \$1,000 for that of mayor, and, on taking oath, the mayor and councillors shall file a written declaration with the secretary-treasurer specifying the real estate in virtue whereof they are qualified.

Qualification
of mayor and
councillors.

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

R. S., 4195,
replaced for
town.

The town council shall consist of a mayor and of six councillors elected for two years.

Composition
of council.

R. S., 4196,
replaced for
town.

Term of office
of mayor and
councillors.

11. Article 4196 of the Revised Statutes is replaced by the following, for the town :

The present mayor and councillors of the town and the persons replacing those who go out of office, remain in office and continue to manage and administer the affairs of the town until the entry into office of their successors.

Pro-mayor.

12. At the first session of the months of February and August of each year, the council shall appoint one of the councillors to perform the duties of pro-mayor during the following six months when the mayor is absent, sick or otherwise unable to act and to perform such duties ; and, during any vacancy in the office of mayor, the councillor so appointed pro-mayor shall have and exercise, when necessary, all the powers, authority and privileges with which the mayor is by law invested.

TITLE II

MUNICIPAL ELECTIONS

SECTION I.

MUNICIPAL ELECTORS.

R. S., 4227,
replaced for
town.

Qualification
of electors.

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

Every person is a municipal elector, and as such is entitled to vote at the election of mayor and of councillors, and to exercise all the rights and privileges conferred upon municipal electors by the provisions of this act, who at the moment he exercises such rights or privileges shall fulfill the following conditions :

1. Is of the full age of majority and a British subject ;
2. Has possessed for four months in the municipality in his own name or in the name of his wife, as shown on the valuation roll in force, as revised, real estate to the value of at least one hundred dollars \$100 ;
3. Has possessed for six months as resident tenant either under a farm or other lease, or as occupant under any title whatsoever, of real estate to the annual value of at least twenty dollars ;
4. Co-proprietors, co-tenants or co-occupants of real estate, when such estate is valued at an amount sufficiently high to allow of each one's share giving the electoral qualification as aforesaid ;

5. All other persons who may be taxed for the benefit of the municipality directly, for a sum of at least one dollar per annum ; provided they have resided in the town for six months ;

6. Electors must have paid all taxes and municipal or school dues on or before the fifteenth day of December previous ;

7. All electors must be entered on the electors' list ;

8. Persons entitled to vote at municipal elections as aforesaid shall vote in the particular wards wherein they own real estate qualifying them to vote ; tenants, occupants and other electors shall vote in the ward in which they reside at the time of their qualification.

SECTION II.

ELECTORAL LIST

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

The decision of the revisors shall be final and without No appeal. appeal.

SECTION III.

HOLDING OF ELECTIONS

15. Article 4232 of the Revised Statutes is replaced by R. S., 4232.
replaced for
town. the following, for the town ;

The municipal elections of the town shall be announced by public notice in French and English, posted up during the eight previous days in the meeting room of the said council, and at the post-office, and at the door of the parish church ; and such notice shall be signed by the mayor and secretary-treasurer of the council and shall state the date, place and hour at which such election and nomination shall be held in each ward of the town.

16. The mayor of the town shall be elected by the majority Election of
mayor. of the votes of all the electors of the town qualified as aforesaid, recorded in the place designated by the town council and indicated in the notice above-mentioned.

R. S., 4238
and 4239, re-
placed for
town.
Proclamation
of candidates
elected.

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

If, one hour after the opening of the meeting, but one candidate is nominated for the office of mayor, he shall be declared elected by acclamation, and, if there be but the number of candidates for the office of councillor equal to the number to be replaced, they shall be declared elected in the same manner. In the contrary case, voting shall take place according to law.

Voting.

R. S., 4229,
replaced for
town.

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

Time for elec-
tions. i

Nominations
and polling.

General elections shall be held annually during the month of January. The nomination shall take place between ten and eleven o'clock in the morning of the third Monday of January, and the polls, when necessary, shall be held on the fourth Monday of the same month, at nine o'clock in the morning, closing at four o'clock in the afternoon. The nomination of the mayor and councillors shall be made in the meeting room of the town-hall.

If day fixed,
holiday.

19. If such day be a non-juridical day, the nomination or polling shall take place on the following juridical day.

Retiring of
certain coun-
cillors by
drawing of
lots.

20. Of the six councillors elected at the elections in January, 1900, three shall go out of office at the elections in January, 1901, and lots shall be drawn in the manner indicated by the council, in the course of the month of December, at a meeting of the said council, to decide which councillors shall go out of office, and in subsequent years the election of the three older councillors or of their substitutes shall take place.

Duty of pre-
siding officer if
council ne-
glects to draw
lots.

21. In the event of the council neglecting to proceed to the drawing of lots, the presiding officer shall proceed publicly to do so, on the day when the councillors are nominated, after the opening of the meeting.

SECTION IV

VOTING

R. S., 4240,
4241, 4243 to
4245, 4249, to
4270, replaced
for town.

22. Articles 4240, 4241, 4243, 4244, 4245, 4249, 4250 to 4270 of the Revised Statutes are replaced by the following, for the town :

Voting to be
by ballot for
mayor and
councillors

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 292 to 416, inclusively, of the Revised Statutes, shall apply to

such elections, *mutatis mutandis*, and shall govern them as well as all matters connected therewith, not specially mentioned in this act. and law applicable thereto.

The form of oath shall be as follows:

SCHEDULE A

"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 and 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.

23. Nevertheless, the council shall, by by-laws duly passed, from time to time, have power to alter the details of the procedure in the manner of conducting the elections and of receiving the ballot-papers, provided that in so doing it does not enact any provisions conflicting with the principles of the said articles. Modification of details in procedure respecting elections.

24. The council may also incorporate in such by-laws all amendments to such articles which may be made by the Legislature, and they shall read as forming part of this act. Amendments made by the Legislature.

25. In applying the said articles to the elections held under this act the words: "returning officer," shall mean "presiding officer," 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 of the town shall be necessary, nor shall any money or deposit be required. Interpretation of certain words in election act.

The nomination may be signed by ten electors only. Nomination-paper.

26. Contestations of elections shall be effected under the general law governing towns, and can be taken only before the circuit court for the county of Missisquoi sitting for the town of Farnham. Contestations of elections.

TITLE III

POWERS OF THE COUNCIL

SECTION I

GENERAL PROVISIONS

R. S., 4373,
replaced for
town.

Extent of
jurisdiction
of council.

27. Article 4373 of the Revised Statutes is replaced by the following, for the town :

The council has jurisdiction within the limits of the town, and the same extends to all matters concerning decency and good morals as well as the public peace and good order to fifteen arpents outside the town, except in special cases where more ample authority may be conferred upon it by this act.

R. S., 4305,
amended for
town.

Examination
of applica-
tions, &c., by
committees.

28. Article 4305 of the Revised Statutes is amended by adding the following paragraph, for the town :

All applications, petitions and resolutions connected with the affairs of one of the said committees shall be submitted for examination and approval of such committee, which shall report its decisions to the council as soon as possible thereafter ; but it shall always be lawful for the council to adopt, modify, or reject the reports of the committees.

R. S. 4327, §
4, amended.

29. Paragraph 4 of article 4327 of the Revised Statutes is amended, as regards the town, by adding the following thereto :

Approval of
appointment
of assistant-
secretary-
treasurer.

No one can act as assistant secretary-treasurer until his appointment has been approved by resolution of the council.

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

Security of
secretary-
treasurer.

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

The security of the secretary-treasurer for the faithful fulfillment of his duties shall be two thousand dollars, and consists in a guarantee insurance policy from a company approved by the council, the premium whereof may be paid by the town out of the secretary-treasurer's salary.

Fiscal year.

31. The fiscal year for the town runs from the first of January in one year till the last day of December in the same year, and, during the said month of January, the secretary-treasurer must lay before the council a general statement of the receipts and expenditure of the year, a statement of the sums of money, fines and taxes due to the town, and a statement of its assets and liabilities, together with a certificate of the auditors, attesting the accuracy of the statements.

32. The auditing of the accounts mentioned in article 4352 of the Revised Statutes must be done for the town during the first fifteen days of the month of January in each year. Auditing of accounts.

SECTION II

POWER TO PASS BY-LAWS

33. In addition to the powers set forth in the town corporations' general clauses' act, the council of the town may make, amend, repeal or replace by-laws or resolutions for each of the following objects : Power of council to pass by-laws respecting :

1. To punish and arrest on view any persons infringing the municipal by-laws ; Punishment of offenders ;
2. To prevent trotting or racing over bridges ; Trotting, &c. ;
3. To prohibit pipes on roofs, and determine in certain cases the materials to be used for roofs ; Pipes on roofs, &c. ;
4. To suppress games of skill, hazard or athletic games, or authorize the same by license ; Games of skill, &c. ;
5. To regulate wood- and coal- yards or depots ; Wood-yards, &c. ;
6. To prevent sweepings, filth and dirt from being thrown into the streets or water-courses, or on the side-walks or public places, and order their removal ; Sweepings, &c., on streets ;
7. To regulate the construction of privies, cellars, drains, ovens and steam-engines of all factories or work-shops ; Privies, &c. ;
8. To cause all hotels or other places where intoxicating liquors are sold to be closed on municipal election days and on Sundays and at certain hours of the night on other days ; Hotels, &c. ;
9. To prevent drunkenness by all possible and proper means ; Drunkenness ;
10. To prevent the sale of intoxicating liquor to children, apprentices or domestics ; Sales of liquor ;
11. To order the removal of signs from unlicensed houses and to regulate all signs ; Signs, &c. ;
12. To prevent stables, sheds, latrines or other similar buildings from being erected on any lot within the town at a distance of less than thirty feet from the street and to remove all existing buildings if not at that distance, after indemnifying the proprietor ; Stables, &c. ;
13. To order, if necessary, that telegraph or telephone wires be laid under ground in certain places so as to prevent the obstruction of the streets, as soon as the corporation shall have supplied the necessary conduits ; Telegraph poles, &c. ;
14. To regulate the manner in which awnings shall be put up and compel the owners thereof to remove them ; Awnings. ;
15. To order the removal of all flags, signs or other things used as such, trespassing on the public roads, suspended or put up in such manner as to be a source of accident to foot passengers ; Flags, &c. ;

Removal of
houses
through
streets ;

16. To prohibit the transport or removal of houses or buildings through the streets of the town without special permission from the council, the payment of such compensation as the town may exact, and such stipulations with respect to damages as may be agreed upon ;

Rebuilding
inside line of
streets.

17. To prevent any proprietor from rebuilding a demolished house on the lot which it occupied beyond the line of a street or public square, provided that the council shall, within one year, take proceedings in expropriation to acquire such portion of the lot encroaching on the street.

Council may
purchase
land en-
croaching on
street.

The council may purchase that portion of the lot which encroaches on the street, with the view of widening the said street or compel the owner to dispossess himself of the same for the same purposes in consideration of a sufficient indemnity.

SECTION III

SEWERS

System of
sewerage may
be organized.

34. To organize a system of sewerage for the town ; to assess proprietors of real estate for the payment of the cost of making a common sewer in any street wherein such proprietors own property, including the connections between such common sewer and the private drains of the proprietors, and regulate the manner in which the assessments shall be levied, either on the frontage of such property or otherwise, as well as the manner in which the cost of making and repairing such work shall be borne and paid by means of the assessments levied on the proprietors benefiting thereby, provided that a delay of three months be granted for the payment of one-half of such assessments and six months for the other half.

Private
drains.

To fix the time when private drains shall be made and determine the manner in which, and the materials whereof they shall be made, the town constructing the common sewer and the proprietors or occupants being bound to make and establish connections at their own expense, under the supervision of an officer appointed by the corporation, on the initiative and in the discretion of the council.

SECTION IV

ASSESSORS AND VALUATION ROLL

Assessors.

35. The council shall have power to appoint three assessors at the beginning of each period of three years.

Their duty.

It shall be the duty of the assessors to make the valuation of the immoveables according to their real value, within the delays determined by the council.

In proceeding to value such properties, they shall also estimate the annual value of each of them, and moreover of every portion of the property susceptible of being leased or occupied separately. To value property that may be leased.

36. On the order of the council, the assessors shall, every year, likewise estimate the annual value of the real estate or portions thereof, the value whereof has been increased by buildings, additions or improvements or diminished by the total or partial destruction of the buildings thereon erected. Estimate value of property increased or diminished in value.

They shall report such changes in the annual value to the council, which shall order the secretary to make the necessary corrections in the valuation roll in force as well as in the assessment rolls for the current year. Report &c., to council changes in value.

37. The valuation of real estate shall be made every three years, and may be made separately for each of the wards of the town. When and how valuation of real estate is to be made.

38. The list of tenants, of moveable effects and of persons and animals liable to taxation in the town shall be made annually, on an order of the council, by the person designated by it to that effect; such list shall to all intents and purposes be deemed an extension of the valuation roll. List of tenants, &c., liable to taxation.

SECTION V

SIDEWALKS

39. To change, from time to time, as the council may deem more expedient, the mode of maintaining and constructing sidewalks, by causing the cost or charges thereof to be borne either by the proprietors or by the corporation. Maintenance and construction of sidewalks.

If the council constructs and maintains the same, it may, if necessary, levy a special assessment upon the parties interested or a general assessment for that special purpose with, in addition, ten per cent. to cover the costs and losses in collection. Taxes for that purpose, &c.

40. When there is a sidewalk only on one side of a street, the council may cause the cost of the construction and maintenance of the same to be borne by the proprietors or occupants on both sides of the street, each in proportion to the extent of his lot. Cost of construction, &c. on one side of street only.

41. When the council is not responsible for the construction and maintenance of the sidewalks in the town, in whole or in part, it shall regulate and determine by what persons, when, and in what manner, of what dimensions and materials and where the sidewalks in the streets, parts of streets or public squares of the town shall be made, placed or repaired. Sidewalks not at the charge of the council.

Directions to be followed in making sidewalks.

Removal of sidewalks not so made.

R. S. 4463, replaced for town.

Removal of snow, &c., from sidewalks.

Tenants of Government property, &c., bound to make, &c., sidewalks.

Work to be done by inspector in case of refusal of proprietors.

Limit of cost.

Order of council required if it exceeds certain sum.

When exigible and how collected.

42. No person shall make a sidewalk in front of his property without following the directions of the town inspector in accordance with the by-laws determining how and in what manner such sidewalks shall be made.

In default thereof the council may make, take up and remake such sidewalk, if it be necessary to remove injurious irregularities.

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

The council may compel every proprietor or occupant of land to remove, in whole or in part, ice, snow or water from the sidewalks skirting such lot, within a specified delay and in the manner indicated by it.

44. Occupants of lots belonging to the Federal or Provincial Governments and to corporations, institutions or *fabriques*, whose properties are not liable to or are exempt from taxation, are bound to make and maintain sidewalks in front of the properties they occupy, and are liable for all taxes, apportionments or assessments imposed for such works, as being personal taxes upon such occupants authorized by this special provision, where the sidewalks are at the charge of the proprietors.

45. In the event of refusal or neglect on the part of the proprietor or occupant to perform the prescribed work on the roads, streets and sidewalks, the town inspector may, after having caused a verbal or written notice to be given by one of the officers of the council to the person in default, have the work done at the expense of the person in default. Nevertheless, the cost of the work performed and of the materials supplied shall not exceed five dollars each year, for each lot liable to such work.

If the cost of the work to be done exceeds five dollars, the inspector must obtain an order from the council before having such work done.

In either case, the cost shall be exigible without delay on the mere production of a detailed statement, and the amount shall be recovered in the same manner as ordinary taxes, with privilege and hypothec on the land subject thereto, without prejudice to the fines and damages incurred.

SECTION VI

APPROVAL OF ELECTORS WHO ARE PROPRIETORS REQUIRED FOR CERTAIN BY-LAWS

Approval by-laws by electors.

46. Every by-law, which must be submitted to the electors who are proprietors, must, before coming into force, be approved by three-fourths in number and in real value of such electors who are proprietors.

The approval or disapproval of the by-law is determined by the majority in number and in real value of those electors only who are proprietors who have voted. How majority is determined.

47. Any such by-law must be submitted for the approval of the electors within thirty days after the council has passed the same. Delay to submit by-law for approval.

48. When a by-law of the council is submitted to the electors who are proprietors, the proceedings at the meeting held for such purpose and at the voting, if the same be necessary, are those hereinafter prescribed. Proceedings at meeting, &c.

49. The general meeting of the electors who are proprietors is convened at least eight days previously, by a public notice signed by the mayor, for a day fixed by the council, and is held in the town-hall, at ten o'clock in the forenoon. Convening of meeting.

50. The meeting is presided over by the mayor or pro-mayor. Presiding officer.

If both are absent or unable to act, the secretary-treasurer appoints one of the councillors to preside. Idem.

The secretary-treasurer acts as secretary, reads the by-law and submits it to the meeting. Secretary.

51. If more than one hour elapses after the meeting is opened, without a poll being demanded by the number of electors hereinafter required, the by-law is deemed to be unanimously adopted by the rate-payers interested. If poll not demanded within certain time.

52. Six electors who are proprietors, present and qualified to form part of such meeting, may require the holding of a poll to ascertain whether the by-law is approved or disapproved. Demand for holding poll.

On such demand, the mayor or other person presiding the meeting shall, at once, grant such poll, which is then and there opened and held up to four o'clock in the afternoon of the same day, and on the following day from ten in the morning until four in the afternoon. Duty of presiding officer in such case.

53. The mayor or other person presiding may absent himself during the holding of the poll, on being represented by a member of the council. Replacing of presiding officer.

54. Each elector comes forward in his turn and votes by "yea" or "nay"; the word "yea" signifying his approval of the by-law, and the word "nay" his disapproval thereof. Voting.

The name of the elector and the vote given by him are entered in a special book kept for the purpose by the secretary-treasurer. Entry of electors' names and votes.

Who may
vote.

55. No one is allowed to vote on such by-law, unless his name is entered on the valuation roll in force as a proprietor, and unless, at the time of giving his vote, he has paid all municipal dues, due and payable, either by him or his wife, and he must, if required, show a certificate of payment of such dues before being allowed to vote.

When a proprietor cannot vote.

56. No elector who is a proprietor shall vote, if the by-law submitted to the electors grants any privilege or benefit to himself personally, to the partnership, company or corporation of which he is a member or shareholder, or to any person, partnership or company whose agent or employee he is.

Voting closed in certain event.

57. If, after the poll has been opened, either on the first or the second day, one hour should elapse without a vote being recorded, the president must close the poll.

Counting of votes.

58. At the close of the poll, the mayor or the person presiding over the voting counts the "yeas" and the "nays."

Report to council.

At the first session after the polling, he submits to the council the result of the voting, together with a statement of the value of the taxable real estate of each voter, according to the valuation roll in force.

Certificate of result of voting.

59. The mayor and the secretary-treasurer must deliver to the council a certificate stating whether three-fourths in number and in value of the taxable real estate has approved or disapproved the by-law.

Examination of poll-books.

If the council wishes to examine the poll-books and the assessment roll, they shall be forthwith laid before it.

SECTION VII

SUBSIDIES

Other powers.

60. In addition to the powers conferred by articles 4404 and 4408 of the Revised Statutes, the council may also by by-law exercise the following:

Aid may be granted to certain establishments, &c.

Aid one or more persons or companies, as it may deem expedient, having already established or proposing to establish any industry or manufacture in the town, by lending money or by granting bonds or subsidies in money or in real estate, on such conditions and with such guarantees as it may deem expedient, provided such by-law be submitted and approved as required by section sixth of this title.

Recovery of amount given, if conditions not carried out.

61. In cases where those who have received a subsidy from the town do not comply or cease to comply with the conditions and guarantees stipulated in the by-law, the council may recover the amount of the loan or subsidy so granted,

or its value, by privilege upon the moveables and immoveables of the manufacturers or companies, as in the case of a municipal tax and with the same priority, unless it specially renounces such privilege.

62. Articles 4479 and 4559 of the Revised Statutes are excluded from this act.

R. S., 4479
and 4559 not
to apply to
town.

TITLE IV

TAXATION

SECTION I

EXEMPTIONS FROM TAXATION

63. Article 4500 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4500 re-
placed for
town.
Property ex-
empt from
taxation.

The following property is exempt from taxation :

1. All lands and property belonging to Her Majesty, Her heirs and successors, or held by any public body, office or person in trust for the service of Her Majesty, Her heirs and successors ;

2. All Federal or Provincial property and buildings ;

3. Every place of public worship, bishop's palace, presbytery, parsonage or manse, and their dependencies, and burying ground ;

4. Every public school-house and the grounds on which the same is constructed ;

5. Every educational establishment subsidized by the state or by the town, and the grounds on which the same is constructed, and all libraries gratuitously opened to the public ;

6. All buildings, ground and property occupied or possessed by hospitals or other charitable or educational establishments ; but property in the possession of religious, charitable, or educational establishments, for purposes of revenue, shall not be exempt from taxation ;

7. Every court-house or gaol, and the grounds attached thereto.

The said exemption shall not, however, extend to lots, or to buildings built upon lots, in the town, leased or occupied by tenants under the Government ; and such lands belonging to the Government and occupied by tenants, shall be valued and assessed in like manner as other real property ; and such rates or assessments shall be paid by the tenants or occupants thereof, as expressly assessed upon them personally, and the occupants who pay no rent shall be subject to the tax imposed on tenants and occupants.

Restriction.

Proviso re-
specting
§§ 3, 4, 5, 6
and 7.

The proprietors and occupants of the property mentioned in paragraphs 3, 4, 5, 6 and 7 shall, nevertheless, be bound for the works of making and maintaining roads, streets, water-courses, ditches, drains, sidewalks, water supply and lighting, according to the by-laws, and shall be liable for all special taxes for such purposes and for the compensation for the use of water.

SECTION II

POWER TO TAX

Power to levy
taxes for ex-
penses of ad-
ministration.

64. The council shall have power to levy, by direct taxation upon all taxable property or only upon taxable real estate in the town, all sums required to meet the expenses of administration and to pay the debts or for any special object whatever within the limits of the council's power.

Tax for par-
ticular work.

65. The council shall also have power to levy, by means of direct taxation upon all taxable property or only upon the taxable real estate of the persons who, in the opinion of the town council, are interested in a public or private work under the direction of the council and who benefit by such work, any sum of money necessary for the construction and maintenance of such work.

Power to levy
annual taxes
for certain
purposes.

66. In order to realize the amounts required for expenses of administration, to provide for improvements and to meet the obligations of the town, the council may levy, annually, upon persons and moveable and immoveable property in the town, all general or special taxes, contributions, licenses or other imposts as hereinafter provided.

SECTION III

CONFIRMATION OF CERTIFICATES

R. S., 4414,
replaced for
town.
Granting, &c.
of certificate
for obtaining
license.

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

The council shall have the right and power by by-law, to fix and exact an annual sum not exceeding \$200 payable in advance to the corporation, from any person applying for the same, for the granting or confirmation of each certificate for obtaining a license for a hotel, inn, saloon, tavern, restaurant, house of public entertainment, for the sale of wines, spirituous and alcoholic liquors, and a sum not exceeding \$200.00 for the granting or confirming of each certificate for obtaining a license for a wholesale or retail liquor store or a temperance hotel, and to prevent transfers of licenses; determine under what restrictions and conditions and in what manner transfers shall be accepted by the

revenue collector and exact the payment of a duty not exceeding twenty dollars, to the council, before the approval of such transfer.

68. The council alone shall continue to have the right to grant and deliver certificates for obtaining licenses for taverns, hotels, restaurants and shops, notwithstanding any law, usage or municipal by-law to the contrary, and to govern and control all shop-keepers, tavern-keepers and persons selling spirituous, vinous or fermented liquors by retail in any place whatsoever, as it may deem expedient and necessary for the prevention of drunkenness and the maintenance of good order.

Exclusive right of council to grant such certificate.

SECTION IV

PROFESSIONAL TAX

69. Upon every person habitually practising, in the town, the profession of advocate, physician, notary, surgeon, dentist, veterinary surgeon, oculist, aurist, surveyor, architect, civil engineer, bailiff, druggist, druggist's clerk or any other profession, or acting as clerk of any court whatever, or as a provincial official or civil service employee, a sum not exceeding five dollars.

Tax upon certain professional men.

70. Every partnership formed for the practice of any of the professions, mentioned in the previous article, shall be responsible for the tax imposed upon each of the co-partners, without prejudice to the recourse against any of the co-partners for his respective share.

Responsibility of partnership for tax upon members.

71. The persons who are subject to the professional tax are bound to pay the same, even when they do not reside in the town, provided they hold an office therein.

Tax exigible even from non-residents.

SECTION V

LICENSE OR TAX ON MOVEABLES

72. Upon the following moveables kept in the town :

1. Upon every stallion kept in or brought temporarily into the town for breeding purposes, a sum not exceeding ten dollars ;
2. Upon every horse, a sum not exceeding one dollar ;
3. Upon every pig and head of cattle, a sum not exceeding one dollar ;
4. Upon every dog, a sum not exceeding two dollars, and on every bitch, a sum not exceeding four dollars ; and in default of payment of the said tax, on demand by an officer of the corporation, the latter shall have the right to order that the animal be destroyed ;

Tax upon certain moveables :

5. Upon every summer or winter vehicle used for promenading, one dollar ;

6. Upon every bicycle or other similar vehicle, a sum not exceeding one dollar.

The person in possession of the animals and articles above-enumerated is deemed to be the owner thereof, and is taxed in consequence, saving his recourse against the real owner.

SECTION VI

TAXES ON TRADE

Tax upon
stocks-in-
trade.

73. Upon all stocks-in-trade or goods kept by merchants and traders and exposed for sale or kept in any place whatsoever, a tax not exceeding twenty cents per hundred dollars of the average value of such stock of merchandise ; each trader to pay not less than five dollars.

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

74. The council shall also have power to compel all persons coming into the town to sell goods belonging to a bankrupt or other stock, articles of trade or other effects, either by auction or by private sale, or even a trader of the town selling by auction, to pay a duty or take out a license not exceeding one hundred dollars and also a duty not exceeding ten dollars for every day such sale lasts.

Recovery of
cost of such
licenses.

75. These licenses shall be paid on demand made by the secretary-treasurer or his delegate, and, if not paid, the amount thereof may be recovered by warrant, addressed to a bailiff, issued under the hand of the mayor as soon as such refusal or default of payment is established ; and the goods may be seized and sold for the payment of such licenses by such bailiff or other officer according to the same rules and with the same responsibilities and penalties as in the case of a writ of execution *de bonis* issued by the circuit court for the county of Missisquoi at Farnham, without prejudice to the fine and penalty for infringement.

SECTION VII

TAXES ON RENTS AND REVENUES

Tax upon ten-
ants.

76. Upon all tenants paying rent in the town, an annual tax not exceeding five cents per dollar on the amount of the rent entered in the valuation roll or of the annual value of the property leased or occupied, this latter value being taken for the imposition of the tax ; provided, always, that the said annual tax shall be at least one dollar, that is to say, that each tenant shall pay at least one dollar per annum.

Such tax is likewise exigible from the occupant of a property, according to the estimated value of such property as shewn by the valuation roll.

77. Upon every person, receiving an annual salary, either by the piece or otherwise, of three hundred dollars and over, one dollar per hundred dollars or fraction of one hundred dollars over and above three hundred dollars, and, if he do not reside in the town, one dollar per hundred dollars of his salary or revenue, provided such person be not already taxed for a sum of four dollars per annum over and above his taxes on real estate. Tax upon salaries, &c.

SECTION VIII

LICENSES OR BUSINESS TAXES

78. All persons desirous of carrying on, or who are carrying on, in the town, the trade of peddler or itinerant merchant selling wares of any kind; all proprietors, owners, agents, directors and occupants of theatres, circuses, shows, menageries or other similar exhibitions, billiards, bowling alleys or other games of any kind, and all auctioneers, grocers, bakers, butchers, and all persons dealing in fresh meat or bringing fresh meat to be sold or delivered in the town; all bottlers of intoxicating liquors, all hucksters, hawkers, brewers, distillers, manufacturers and dealers in soda water, ginger beer and champagne cider; all traders, manufacturers and their agents; all owners, keepers of lumber or fire-wood-yards; all owners or keepers of coal-yards and slaughter-houses, hotel and restaurant keepers, commission merchants, owners of grist-mills, livery-stables, boarding houses; all persons carrying on the business of printing; all undertakers; all jewellers, tanners, shoemakers, cabinet-makers, milkmen, tinsmiths, plumbers, tailors, photographers, dressmakers, builders; all agents of fire, accident and life insurance companies, whether they reside in the town or not and who carry on business or temporarily take risks therein; all persons who are or are not traders and who purchase goods brought into the town, or the market, or elsewhere, for the purpose of re-selling the same; all money-changers, exchange-brokers, pawn-brokers and their agents; all bankers and agents of bankers and of banks and, in a word, all traders, manufacturers or artisans who have carried on or may carry on or introduce in the town any trade or manufacture whatsoever, whether the same be or be not mentioned in this act; all carters, owners and drivers of public vehicles, belonging to livery-stables or for the conveyance of loads in and for the town, and all persons residing without the limits of the town who ply the trade of carter or driver of public vehicles belonging to livery- Tax upon certain trades and callings.

stables or for the conveyance of loads in the town, and all itinerant merchants,—shall obtain a license from the council to that effect, and the amounts to be paid for obtaining such licenses shall be fixed and determined by a by-law or by by-laws of the council of the town, but shall not exceed seventy-five dollars, payable in the manner set forth in such by-law or by-laws.

Penalty on person exercising trade without license.

79. Every person who carries on business or exercises any industry, art or occupation in the town, as above set forth, without having previously obtained a license to that effect from the council, for every infringement is liable to a fine or penalty of not less than one nor more than fifty dollars, and in default of immediate payment an imprisonment not exceeding thirty days in the common gaol of the district of Bedford.

SECTION IX

BUSINESS TAX

Tax on telegraph, &c., companies.

80. Upon every electric telegraph, telephone or electric light or gas or power company or their special agents, and upon every person, firm or company supplying light, motive power or water in the town or any part thereof, upon all insurance companies doing business through their agents or otherwise, mutual societies or their branches and upon clubs, a sum not exceeding thirty dollars.

Taxes recoverable by distress warrant.

81. The taxes, specific fees for licenses imposed in virtue of this and the foregoing sections, may also be levied, if not paid on demand made by the secretary-treasurer or other municipal officer authorized by him, upon all the moveables and effects, even those exempt from seizure, found in the possession of any person, upon a distress warrant signed by the mayor or by a justice of the peace of the town and addressed to a bailiff of the superior court.

Sale of goods seized.

The moveables and effects shall be sold by such bailiff to an amount sufficient to pay the price of such license and costs in accordance with the rules prescribed by the Code of Civil Procedure for the execution of a writ of *fieri facias de bonis* issued from the circuit court, without prejudice to the penalty for infringement of the said by-laws and of this act.

Amount of tax and cost of licenses how fixed.

82. The amount of special tax or special duties for licenses and permits may be fixed by by-law, at the discretion of the council, for each class of persons, things, branches of business or trade, as far as possible in view of the business done and industries carried on or exercised or of the benefit derived from such moveables.

SECTION X

GENERAL PROVISIONS

83. The by-laws shall be entered at length in the minute book of the council. Registration of by-laws.

84. It shall be lawful for the council, at any time, to declare, by resolution, that rate-payers, who pay their taxes or municipal dues within a specified period, shall benefit by a reduction which the council shall determine. Discount on payment of taxes.

The secretary-treasurer shall give public notice of such resolution. Notice thereof.

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

Taxes and municipal dues shall bear interest, at the rate of six per cent. per annum, from the expiration of the delay during which they ought to be paid, without its being necessary for such purpose that a special demand of payment be made upon the person owing the same. Interest on taxes.

Neither the municipal council nor its officers shall remit such interest. Shall not be remitted.

86. Article 4543 of the Revised Statutes is replaced, for the town, by the following : R. S., 4543, replaced for town.

All municipal dues and the interest thereon shall constitute a privileged debt exempt from the formality of registration ; and, in the case of distribution of moneys by authority of justice, according to law, or by voluntary liquidation, such dues shall be collocated in preference to all other claims, both on the proceeds of the sale of moveables and of that of immoveables, next after the Crown. Municipal dues privileged and ranking thereof.

87. The amount of the specific duties for licenses and taxes, which the council may impose by this act, is fixed and determined by the council in its discretion, and may be imposed and levied either by the same by-law or by different by-laws, and is payable annually at the time fixed by the council. How amount of duties, &c., is fixed.

88. Whenever a tax is levied by resolution, it shall only be valid for the taxes so levied during the then current year. Taxes levied by resolution only valid for current year.

89. The special taxes or specific duties for licenses which are levied by by-law are imposed permanently, to be collected annually by the secretary-treasurer of the town as other taxes, at the time fixed by the by-law, without further municipal ordinance, until repealed or amended by by-law in the ordinary manner. Taxes imposed by by-law.

Levying of
special taxes.

90. The special taxes or specific duties for licenses enumerated in this charter may, in the discretion of the council, be imposed and levied under the form of a license signed by the secretary-treasurer, and are then payable and executory annually at the time and under the conditions and restrictions fixed by the council, without its being necessary that any collection roll be made or that any notice or statement of account be sent to the person indebted, and the recovery thereof may be effected in accordance with articles 107 and 109 of this act and 4552 and following of the Revised Statutes.

Amount of
tax, if busi-
ness is com-
menced dur-
ing the year.

91. Every person who, during the year, carries on or practises any kind of business or occupation, or does any act which renders him liable to the special tax, or specific duty for a license, is bound to pay the whole of the same whatever may be the time of the year at which they become due, unless the council remit any portion of such tax, on account of the short time to elapse before the end of the current year.

Proviso.

The council, however, cannot remit such tax or duty, except when the same would become due only during the last three months of the current year.

Signature to
license and
effect thereof.

92. Every license is signed by the secretary-treasurer, and gives the holder the right to practise or carry on his art, trade, profession, business or industry until the expiration of the time therein specified; but the council may, at its first sitting, cancel the same if it deem expedient by repaying the amount paid, without recourse or claim against the corporation.

Licenses not
transferable.

93. No license granted shall be transferable by the owner thereof, except with the consent of the council.

Exhibition of
license.

94. Every person who holds a license shall, at any time that he may be required by a municipal officer, exhibit his license, which must be kept conspicuously exposed to public view, in the principal place of business in the establishment of such person, unless such license be granted to a person who has no known place of business in the town, and in such case he shall carry it with him or on the article affected by such tax or duty as prescribed by the by-law imposing the same.

Payment by
persons whose
names are ad-
ded to roll
after comple-
tion.

95. Persons whose names have been added to the valuation roll after the collection roll has been prepared, must pay the annual tax, in the same manner as if their names had been entered when making the valuation roll.

96. The council may, by resolution, suspend any license under any of the provisions of this act for misconduct, incompetency or infringement of any by-law by the holder of such license, without repayment of the share belonging to the corporation.

Suspension, &c., of license in certain cases.

97. The by-laws of the council shall be deemed public acts in the town; and judges and magistrates, as well as all other persons shall be bound to take cognizance thereof without its being necessary to plead them specially.

By-laws, public laws, &c.,

98. With the authorization of the Lieutenant-Governor in council, obtained upon a petition to him addressed, the council may, in special and exceptional cases, order that the width of the roads and streets of the town shall be less than sixty-six feet.

Streets may be less than certain width.

SECTION XI

COLLECTION OF TAXES

99. Article 4547 of the Revised Statutes is replaced, for the town, by the following :

R.S. 4547, replaced for town.

Every year, at the time fixed by the council and as soon as the valuation roll is closed and homologated or amended, it is the duty of the secretary-treasurer to make a general collection roll of all taxes on real estate which are to be levied according to the said valuation roll and are imposed annually under this act by a resolution of the council.

Collection roll.

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

R. S. 4550, replaced for town.

The general collection roll, mentioned in the previous article, is made at the date fixed by the council each year; and, at the expiration of the twenty days following its publication, the secretary-treasurer demands payment of all sums due and exigible as shewn on the said roll, by making out the account of each rate-payer indebted, according to the following form or any other of like tenor, and by sending such statement of account to each rate-payer by mail in a separate sealed envelope, prepaid and deposited in the post-office of the town by the secretary-treasurer or his assistant, and such deposit in the post-office shall be established on the oath of office of the secretary-treasurer or of his assistant.

Collection roll when made.

Demand of payment of taxes.

FORM

PROVINCE OF QUEBEC,
Office of the secretary-treasurer }
of the town of Farnham.

Mr.

To the town of Farnham

Dr.

Assessment on the following properties belong-
ing to you: Nos. , under by-law of the

Tax on your , under
by-law of the

(And so on for each item and each year.)

SIR,

You are hereby notified that, having failed to pay the amounts mentioned in the foregoing statement, within the twenty days following the publication of the general collection roll, which was made on the , you are hereby required to pay the above amount to me, at my office, before the day of the month of 189 .

Town of Farnham,

189

Secretary-treasurer.

R. S. 4551,
replaced for
town.

Seizure and
sale of move-
ables for un-
paid taxes.

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

After the fifteen days following the deposit in the post-office of the statement of account mentioned in the foregoing article, the town may recover what is due to it by a suit before the circuit court in and for the county of Missisquoi at Farnham, or by means of the seizure and sale of all the moveables and moveable effects of such person which are within the municipality.

Seizure by
garnishment
for unpaid
taxes.

102. It shall be lawful for the corporation to levy all taxes, assessments, dues or debts by means of a writ of attachment by garnishment effected by means of a writ under the hand of the mayor ordering the garnishees not to dispossess themselves of the moveable effects or money in their possession belonging to the debtors until otherwise ordered by the court, and ordering them, as well as the

debtors, to appear before the circuit court on the day specified ; and proceedings shall be had upon such writ, in accordance with the provisions of the Code of Civil Procedure, before the said court at Farnham.

103. Articles 4548, 4549, 4550 and 4551 of the Revised Statutes shall not apply to the town. R. S., 4548 to 4551, not to apply to town.

104. Article 4490 of the Revised Statutes is replaced, for the town, by the following : R. S., 4490, replaced for town.

The special tax and compensation, which may be imposed and established by articles 4486 and 4488 of the Revised Statutes, shall be due, exigible and executory under the terms of the by-law or by-laws imposing them, without its being necessary that a collection roll be made or that notices and detailed statements be sent to those who take the water ; and the corporation may shut off the water from any person who does not comply with the said by-laws. The recovery of such special tax and compensation may be effected in the same manner as in the case of licenses. Collection of tax and compensation for water.

TITLE V

EXECUTION OF THE BY-LAWS

105. The council may, in order to assure the execution of the by-laws, enact the imposition of punishment by fine, with or without costs, or imprisonment with or without hard labor, and itself determine, in the by-laws, in an absolute or discretionary manner, the amount of the fine and the period of imprisonment ; and, if the fine is imposed with or without costs, it may order the imprisonment in default of the immediate payment of the said fine and costs. Penalty for infringement of by-laws.

If the by-law does not impose the penalty in an absolute manner, such punishments are inflicted in the discretion of the court ; but the fine cannot in any case be less than one dollar nor more than one hundred dollars, with or without costs, and the imprisonment less than one day nor more than three months, with or without hard labor. Penalty in the discretion of the court in certain cases.

106. If the infringement of this act or of any by-law continue, it constitutes, day by day, a separate offence, and the penalty decreed for such infringement may be inflicted for each day such infringement lasts. Penalty for continuous infringements.

107. Whenever a person is prosecuted for drunkenness or is arrested on view or upon information by a constable of the town for an offence against the provisions of this act or of a by-law, it is not necessary that the complaint be drawn up in writing ; but a complaint on oath before the judge or court by the constable who has effected the arrest is considered a sufficient complaint. Certain complaints need not be in writing.

To be in writing, if required.

If the defendant ask that the complaint be reduced to writing, the court orders the clerk to do so.

R. S., 4597, replaced for town.
Notes of evidence.

108. Article 4597 of the Revised Statutes is replaced, for the town, by the following :

It is not necessary that the depositions of the parties or witnesses be reduced to writing. Should the defendant require it, he shall make a deposit to secure the payment thereof, and the costs thereof shall form part of the costs in the case.

Notes of proceedings.

Notes of the proceedings written on the margin or on the back of the original of the writ or warrant shall be deemed sufficient proof.

Members, &c., of council competent witnesses.

109. Any officer or member of the council may be a competent witness in any suit heard and decided under this title.

Proof of the accomplishment of formalities not necessary.

110. In suits, proceedings or complaints by the corporation or by any person for infringement of the provisions of a by-law of the council, it is not necessary to allege nor to prove that the formalities required for the passing of such by-law have been observed ; until the contrary be proved such formalities shall be presumed to have been fulfilled.

Manner of levying fine imposed upon a corporation.

111. Whenever a fine has been incurred by a corporation, association or society recognized by law, such fine and costs may be levied by seizure and sale of the goods and effects of such corporation, association or society, under a writ of execution issued in the usual manner ; proceedings shall be had on such writ in the manner prescribed for writs of seizure and execution issued from the circuit court.

R. S. 4592, replaced for town.
Provisions applicable to prosecutions before justices of the peace, &c.

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

In default of special provisions to the contrary, the prosecutions taken before the mayor or a justice of the peace under this act shall be heard and decided according to the ordinary rules of procedure respecting summary orders and convictions contained in part LVIII of the Criminal Code, 1892, in so far as the same is not inconsistent with the provisions of this act.

Proceedings how taken.

113. Proceedings may be taken against an offender either by writ of summons or by warrant of arrest.

R. S., 4596, replaced for town.
Returns of service.

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

Returns of service are made by the bailiffs or constables under their oath of office.

115. In every suit, prosecution or complaint brought before the mayor, or a justice of the peace, it is not necessary to specify or recite the provisions of the law, or of the by-law in virtue whereof such suit, prosecution or complaint is brought, but it suffices to set forth that it is brought in virtue of the law or of the by-law passed to that effect.

Allegations
not required
in suits, &c.

TITLE VI

LOANS

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

R. S., 4523,
replaced for
town.

The council of the town may, from time to time, borrow various sums of money for making improvements in the town, for paying its debts or for effecting the conversion and consolidation of its debt, and, generally, for all objects within its jurisdiction ; and every by-law authorizing a loan shall be submitted to the votes of the electors who are property owners and must be adopted by three-fourths in number and in value of the votes actually recorded.

Power to bor-
row for cer-
tain purposes.

TITLE VII

EXPROPRIATIONS

117. In addition to that which is enacted in the town corporations' general clauses' act, it is enacted as follows :

Proceedings
in expropria-
tion.

1. If the owner of the property expropriated refuses or neglects, for more than eight days, to appoint an arbitrator, after having received a copy of the resolution of the council to that effect or a demand to appoint such arbitrator, then the arbitrator of the corporation, together with the one appointed by the court, may act alone and with the same effect as if there had been an arbitrator to represent the proprietor expropriated..

Refusal or
neglect of
owner to ap-
point an ar-
bitrator.

2. If these two arbitrators cannot agree upon their award or upon the appointment of a third arbitrator, then, upon petition by the corporation, such third arbitrator shall be appointed by the judge of the superior court and shall proceed jointly with the others to render the award without delay.

Appointment
of third arbi-
trator.

3. The award shall be followed by payment of the compensation, and, upon the refusal of the proprietor to accept or his inability to accept such payment, owing to his absence or for some other reason, such compensation shall be retained by the corporation, which cannot be compelled to pay more than four per cent. interest per annum thereon, or it may be deposited under the requirements of the act respecting judicial and other deposits, and such deposit shall take the place of a discharge.

Award and
payment of
indemnity.

Effect of
award.

4. The award containing the description of the land taken, passed before a notary and duly registered, shall take the place of an irrevocable and incommutable title.

Publications,
&c., in Eng-
lish.

118. When anything has to be published in English, it shall be translated from the French original, without its being necessary to have an original in English.

Coming into
force.

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

CAP. LXVI

An Act to amend the charter of the town of Victoriaville.

[Assented to 10th March, 1899]

Preamble.

WHEREAS the corporation of the town of Victoriaville has, by petition, prayed for certain amendments to its charter, and it is expedient to grant its prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

SECTION I

TRANSITORY AND OTHER PROVISIONS

Present may-
or and coun-
cillors.

1. The present mayor and councillors of Victoriaville shall remain in office until removed or replaced in accordance with this act.

Present mu-
nicipal officers
and employ-
ees.

2. The present municipal officers and employees of the said town shall likewise remain in office until they are removed or replaced by the council.

Existing *procès-verbaux*,
&c.

3. All *procès-verbaux*, assessment rolls, statements of dues, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, provisions, engagements or municipal acts whatsoever, passed and agreed to by the council of the said town, shall continue to have full force and effect, until they are cancelled, amended, set aside or accomplished according to law.

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

4. All notes, bonds, debentures, obligations and engagements whatsoever, signed, endorsed, accepted, issued or contracted by the said council, up to the coming into force of this act, shall have all their legal effect, notwithstanding the passing of this act.