

4. The following section is added, after section 120 of the said act :

“120a. The exercise of the rights and powers conferred on the town by subsections 7 and 8 of section 120 is not subject to renewal.”

Sec. added after id., s. 120.

Certain rights, &c., not subject to renewal.

5. The following section is added, after section 296 of the said act :

“296a. Lands under cultivation, annexed in virtue of sections 20 and following of this act, are taxed in accordance with the conditions of the by-law annexing them to the town.”

Sec. added after id., s. 296.

How lands under cultivation are to be taxed.

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

Coming into force.

C A P. LX

An Act to incorporate the town of St. Lambert

[Assented to 15th January, 1898]

WHEREAS the village of St. Lambert has prayed to be incorporated as a town under the provisions of chapter first of title eleventh of the Revised Statutes respecting town corporations ;

Preamble.

Whereas it is for the advantage and welfare of the said village, and it is expedient to grant such prayer ;

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

INCORPORATION OF THE TOWN

1. The inhabitants of the town of St. Lambert, hereinafter described, and their successors are hereby constituted a body politic and corporate under the name of the “*Town of St. Lambert.*”

Inhabitants incorporated as a town. Name.

The town of St. Lambert shall comprise the tract of land situated within the boundaries of the present village of St. Lambert.

Extent of territory.

The town of St. Lambert is subject to the provisions of the law governing town corporations, hereinafter called the “*general act,*” contained in chapter first of title eleventh of the Revised Statutes respecting town corporations, with the exception of articles 4229, 4234, 4243 to 4264, inclusively, 4414, 4529, 4530, 4533, and 4536, which shall apply to the town of St. Lambert, only as hereinafter provided.

Laws to govern.

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

The town of St. Lambert succeeds to all the rights and obligations of the village of St. Lambert, and all contracts existing between the village of St. Lambert and third parties shall remain in full force and effect.

Present councillors and municipal officers continued in office.

Until the first session of the new council of the town of St. Lambert, as hereinafter provided, the council of the village of St. Lambert shall be the council thereof, and the officers of the said village shall be the officers of the said town until removed or replaced by the council.

Existing by-laws, &c., continued.

2. All by-laws, resolutions, acts and valuation and assessment rolls, reports of commissioners and acts of the council of the village of St. Lambert shall remain in force until they are repealed or amended by the council of the town of St. Lambert.

Corporate seat.

3. The corporate seat of the corporation of the town of St. Lambert shall be within the limits of the town.

When and where first election of mayor and councillors to be held.

4. The first election of mayor and members of the council of the town of St. Lambert shall be held at the place where the sessions of the council of the village of St. Lambert have been heretofore held, and shall take place on the second Monday of February next, at nine o'clock in the forenoon, and shall be presided over by the secretary-treasurer of the village of St. Lambert, maintained in office as above, or, in his absence by a person named by the majority of the electors present.

Who presides.

Nominations when and where to be made.

Nominations for this election must be made in writing, signed by at least five municipal electors, and deposited with the presiding officer between eight and nine o'clock in the forenoon of the election day.

Proof of qualification of electors.

5. The valuation roll in force at the time of the first general election of councillors shall be the proof of the qualifications of the electors.

THE TOWN COUNCIL

Composition of town council.

6. The council of the town shall be composed of a mayor, elected annually, and six councillors, who shall be elected for two years, except in the case provided by article 4197 of the general act; but three must be replaced at the time of the general election of the town following the first election provided by section 4, and the three others at the same time in the year that follows, and so on in the future.

Duration in office of councillors.

When replaced.

How those to retire at first general elections are chosen.

The councillors, who are to retire at the first general election, shall be chosen by lot at the session of the council in the month of January preceding; in default whereof the

retiring councillors shall be chosen by lot, by the officer presiding the said election immediately after the opening of the meeting.

7. The quorum of the council shall be composed of a majority of its members. Quorum of council.

8. The first meeting of the town council shall be held at the ordinary place of meeting of the council of the village of St. Lambert, and shall continue to be held at the said place until otherwise ordered by the council. Where meetings of town council to be held.

9. The corporation of the town of St. Lambert may have a seal and alter and change the same at will. Seal.

MUNICIPAL ELECTIONS

10. Article 4227 of the general act is amended, for the town, by adding thereto the following : R. S. 4227, amended for town.

Spinsters and widows shall have the right to be entered upon the list of the electors of the town, and to vote at all municipal elections therein and on all questions submitted to such electors, when otherwise qualified as hereinabove provided. Spinsters and widows to be entered on list of electors, &c.

11. Article 4229 of the general act is replaced, for the town, by the following : R. S. 4229, replaced for town.

The general elections take place every year in the month of February. Time for general elections.

The nomination takes place at eight o'clock in the morning on the second Monday of February, and the polling, when required, shall be held on the third Monday of the same month. Nominations and polling when to take place.

12. Article 4234 of the general act is replaced, for the town, by the following : R. S. 4234, replaced for town.

The meeting of the municipal electors for the nomination of councillors is held at the town hall and is opened at eight o'clock in the morning of the day fixed therefor. Hour and place of meetings for nominations.

13. The municipal elections shall be by ballot, and, for that purpose, articles 4243 to 4264, inclusively, of the general act are replaced, for the town, by the following : Municipal elections to be by ballot and R. S. 4243 to 4264, replaced for town.

The articles of the Quebec Election Act, 1895, from article 127 to article 197, inclusively, and from article 222 inclusively, to article 250 inclusively, and from article 252 inclusively, to article 288 inclusively, and also all the forms connected therewith, as well as articles 310 to 330, inclusively, of the same act, concerning corrupt practices during elections and the punishment thereof, and the offences and other matters there- Quebec Election Act, 1895, to govern, with certain exceptions.

in mentioned, shall apply, *mutatis mutandis*, to the municipal elections of the town of St. Lambert so far as respects the election of councillors, in default of a provision on the matter in its charter ; but the hours for opening and closing the polls shall be as hereafter provided.

Definition of terms when applicable to municipal elections.

In the application of the said articles to the elections to be held under this act, the words "returning-officer" in each of such articles shall mean the presiding officer, and the words "deputy returning-officer" shall mean the deputy presiding officer, or other person having charge of any poll, and the words "clerk of the Crown in chancery" shall mean the secretary-treasurer of the town.

Sec. -treas. presides at elections, &c.

14. The secretary-treasurer of the council presides *ex-officio* at the election of mayor and councillors.

The presiding officer in all cases appoints an election clerk to assist him in the execution of his duties relative to the elections.

Who acts in lieu of presiding officer.

In the event of the secretary-treasurer being absent or unable to act, the election clerk, under the same penalties, shall discharge all his duties.

R. S. 4243, replaced for town.

15. Article 4243 of the general act is replaced, for the town, by the following :

Opening of polls, &c., registering of votes.

At the time specified, the poll is opened by the secretary-treasurer or his clerk, as above provided, who enters or causes to be entered in a book to be kept, in accordance with the conditions hereinafter prescribed, the votes of the electors, entering therein the names and additions of each of them.

Time for opening and closing poll. Certificate of election.

The poll is opened at eight o'clock in the morning, and closed at nine o'clock in the afternoon of the same day.

Within three days after the close of the election, the presiding officer gives to each of the candidates elected a written notice of his election.

Election to replace vacancies in office of mayor or councillor.

When a vacancy occurs in the office of mayor or councillor, the election of a substitute is forthwith proceeded with on the day fixed by the council, and such election is held in the manner prescribed for general elections.

SPECIAL POWERS OF COUNCIL

Council may pass by-laws to :

16. The municipal council of the town shall have power, by by-law:

Restrain, &c., sale and manufacture of spirituous liquors, &c. ;

1. To restrain and regulate the sale and manufacture of any malt, spirituous, vinous, alcoholic, or intoxicating liquors within the limits of the town, and to fix a sum, not more than two hundred dollars, for the granting of each certificate to obtain a license authorizing the sale of the same in the town ; in this matter the decision of the municipal

council shall be without effect until confirmed by a vote of the municipal electors taken by ballot in the manner above provided regarding municipal elections at the time of the election of mayor, the whole, however, subject to the by-law No. 6, passed by the municipal council on the eighth day of September, 1896 ;

2. To restrain, regulate, or prohibit any person from maintaining, using or keeping a slaughter-house in the town ;

Restrain, &c.,
using, &c.,
slaughter-
houses ;
Abate public
nuisances ;

3. To abate any public nuisance therein, endangering lives, health or safety of the public ;

4. To cause the arrest on view and punishment of all persons in the said town disturbing the public peace, loitering in the streets, using profane, obscene or insulting language therein, or of any person or persons therein incommoding peaceable passengers, and all drunken persons, and any person or persons breaking any by-law of the town, respecting the public order, peace or health thereof ;

Cause arrest
on view of per-
sons disturb-
ing the public
peace, &c. ;

5. To regulate the width of streets, in accordance with the general laws of the Province, and to establish or alter the level or grade of any roadway or sidewalk in any street ;

Regulate
width of
streets, &c. ;

6. To fix and determine building lines on streets, roads and avenues, and to regulate the mode to be followed and the material to be used in the erection or repair of buildings, with a view to security against fire and the safety of the occupants, with power to hold the proprietor, builder, or person in possession of said building responsible for any contravention of said by-laws ;

Fix, &c., lines
of streets, &c. ;

7. To close any street or section of a street or public square and sell the land for the benefit of the town, provided always, if any person suffer damage thereby, he receive compensation to be settled by arbitration ;

Close streets,
&c. ;

8. To have the streets and sidewalks swept, watered and kept in good order ; and to have the snow removed therefrom at the expense of the corporation ;

Have streets,
&c., watered,
&c. ;

9. To cause dogs to be kept muzzled or tied up ; to prevent them from being at large or without their masters or other persons to take charge of them ; to impose a tax not exceeding three dollars on the owners of every dog kept in the town ; to order that each such dog shall carry round its neck a medal indicating the number and the year for which the tax has been paid, and to authorize any municipal officer or other person to destroy, by poison or otherwise, all dogs found at large, contrary to municipal regulations ;

Cause dogs to
be muzzled,
&c. ;

10. To impose a special tax upon resident carters doing business in the town, upon proprietors of horses and vehicles for each horse and vehicle ; upon brokers, money lenders or commission merchants ; upon pawn-brokers and auctioneers ; upon clubs ; upon proprietors or occupants of houses of public entertainment, hotels, saloons, inns, coffee-houses,

Impose a spe-
cial tax upon
resident car-
ters, &c. ;

restaurants, temperance hotels ; upon all dealers in spirituous liquors ; upon all pedlars, selling or offering for sale in the town articles of commerce of any kind whatsoever ; upon all proprietors, possessors, agents, managers or occupants of theatres, circuses, menageries, and minstrels ; upon all public places of amusement kept open for profit ; upon billiard tables, mississippi or pigeon-hole tables, bowling alleys and other similar games ; upon all livery-stable keepers ; upon all grocers, bakers, butchers, hawkers, hucksters, brewers and distillers ; upon all traders and manufacturers and their agents ; upon all proprietors and keepers of wood-yards, coal-yards and slaughter-houses in the town ; upon all building societies ; upon all insurance companies and their agents and employees, whether they reside in the town or not ; upon all gas, telegraph or telephone companies doing business in the town, and, generally, on all commerce, manufactures, callings, arts, trades and professions which have been or may be introduced or exercised in the town.

Amount of tax how fixed; The amount of such annual dues or taxes shall be fixed and determined by one or more by-laws of the town and shall be fixed and determined by the council at its discretion, either, in certain cases, by a specified sum, or, in other cases, by a percentage upon the annual value of the property and premises occupied by the said parties in the town, and in or upon which they do business or carry on or exercise such trade, manufacture, occupation, business, art, profession or means of livelihood or profit, provided that in no case shall any of such amounts exceed two hundred dollars per annum, and provided there is nothing inconsistent with any public statute ;

Tax payable annually ; 11. Every tax or assessment, imposed by virtue of the foregoing provisions, shall be payable annually and at the time fixed by such by-laws ;

Grant aid to lines of steam-boats, &c. ; 12. To grant aid to any line of steamboats, omnibuses, tramways, sleighs or other conveyances for the purpose of affording cheap and rapid communication between the town and the city of Montreal ;

Sanction laying of railway tracks by street railway, &c. 13. To sanction and permit, under such conditions and restrictions as the council may impose, a track of any street railway to be laid on any of the streets in the town ; but in the case of this and the paragraph immediately preceding, the decision of the council shall be without effect until confirmed by a vote of the municipal electors taken by ballot in the manner above provided regarding municipal elections ;

Confirmation of by-law required ; 14. To regulate the number of passengers to be carried in each car or vehicle used by such street railway ;

Regulate number of passengers ; Use of locomotive engines, &c. ; 15. To regulate the use of locomotive engines or any other steam or motive power on any street railway in the town ;

16. To prescribe and regulate the speed of the cars and to impose penalties, not to exceed four hundred dollars, upon the company managing any such railway, or on any of their servants, for each and every violation of any such by-law ;

Speed of cars,
&c. ;

17. To annex to the town any portion of immoveable property situated in any adjacent municipality or parish, provided that the council of any such municipality or parish, and proprietor of said portion of immoveable property consent to such annexation, on such terms as may be mutually agreed upon between the council of the said town and the councils of the said adjacent municipalities or parishes or parts thereof ;

Annex adjacent immoveables with consent of neighbouring municipality, &c. ;

18. To cause trees to be planted along the municipal or other roads, or along the sidewalks or public places at the expense of the corporation ;

Cause trees, &c., to be planted ;

19. To determine the direction of natural water courses passing through private property, and to regulate all matters concerning the same, whether covered or not ;

Determine direction of water courses, &c. ;
License, &c., collection of rags ;

20. To license, control and regulate the collection and storage of rags and other waste material ;

21. To license and regulate plumbing and regulate the inspection thereof.

Plumbing ;
Cruelty to animals, &c.

22. To prevent horses or other animals from being cruelly treated, and to prevent the destruction or capture of birds ;

23. To establish and maintain or aid in the establishment and maintenance of free public libraries, library associations and mechanics' institutes, in the municipality or adjoining municipalities, in the manner required by article 4616 b of the general act ; but in this case the decisions of the council shall be without effect until confirmed by a vote of the municipal electors taken by ballot in the manner above provided regarding municipal elections ;

Establish free public libraries, &c.

24. To prevent dealers in oils, fluids, hay, straw and all other inflammable substances from carrying on their business without the authority of the council, and prevent the storage in any building of any such inflammable substance, in contravention of the by-laws ;

Prevent dealers in oils, &c. from carrying in business without consent of council.

25. To compel every person desirous of keeping a wood- or coal-yard in the town, to previously obtain a license or permit from the council, determine under what conditions such licenses or permits shall be granted, for the prevention of fire or for any other reason ; and to determine how such yard shall be kept and fenced in, and to what height wood may be piled, both by the owners of wood-yards and by any other proprietor in the town ;

Compel persons desirous of keeping wood-yards, &c., to procure a license ;

26. To prevent and regulate the sale of wood and coal, except in certain places or yards licensed or authorized by the council, and to provide for the measurement and weighing of wood and coal ;

Prevent, &c., sale of wood, &c. ;

27. To determine the height of chimneys and order spark-arresters to be placed thereon ;

Determine height of chimneys, &c. ;

Prevent discharge of fire arms, &c. ;

28. To prevent the discharge of firearms or firecrackers on Sundays and holidays, and at any other time, if the council think proper ;

Compel closing of stores, &c., on Sundays ;

29. To compel all merchants and traders, barbers and keepers of gaming-houses or places of amusement to close their establishments on Sundays and holidays ;

Regulate width of waggon-tires, &c.

30. To regulate the width of wheel-tires of waggons or drays carrying heavy loads, and to prohibit the use of such vehicles in such streets or parts of streets as the council may see fit ;

Prevent obstructing streets with snow ;
Regulate awnings ;
Order removal of flags, &c. ;
Prohibit transport of houses, &c., through streets

31. To prevent the obstruction of streets or sidewalks with snow taken from the roads or lands belonging to railway companies ;

32. To regulate the manner in which awnings shall be put up, and to compel the owners to remove them ;

33. To order the removal of all flags, signs or other objects used as such, encroaching on the public streets ;

34. To prohibit the transport or removal, through the town, of any house or building, without a special permit from the council, and on payment of such compensation as the council may exact, and subject to such stipulations respecting damages incurred which may be made ;

Order that no excavations on streets be made without permission ;

35. To order that no person, firm or company shall, at any time, or for any purpose, cause excavations, openings or other works to be made, or done in the streets of the town, without previously obtaining permission in writing from the council in the form specified by the council, for which it may charge such fee as it may decide upon, but without prejudice to the rights which any company may exercise under existing charters ;

Order placing of telegraph poles, &c. ;

36. To order and regulate the placing of telegraph, telephone, electric light and other such posts in the streets of the town and the laying of wires or other appliances ; to impose a penalty on the owners thereof for every contravention of the municipal orders and by-laws, when ten days have elapsed from the time when written notice was given of such contravention ; to order, if necessary to prevent the streets being obstructed, that the wires be laid under ground, but at places selected by the council, without prejudice to the rights which any company may exercise under existing charters ;

Prevent sale of goods, &c., on streets ;
Prevent persons from selling fish, &c., elsewhere than on markets ;

37. To prevent the sale of any goods, wares or merchandise on the streets or public places of the town ;

38. To prevent persons bringing into the town articles, such as fresh fish, meat, fruits and vegetables, from selling or exposing them for sale, in any place other than the markets of the town, and to regulate the sale of similar articles by any person whomsoever ;

Regulate inspection, &c., of bread, &c. ;

39. To regulate the inspection, manufacture and sale of bread in the town and the weight and quality thereof, and to prohibit the sale of any bread that is not made according to hygienic principles ;

40. To compel persons owning or using stationary steam-engines, steam boilers, factories, chemical works, or other workshops or establishments, to provide the same with necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishment ;

Compel persons owning, &c., steam engines, to furnish them with smoke consumers, &c. ;

41. To prohibit the erection or establishment of all hospitals for contagious diseases in the town without the consent of the council ;

Prohibit erection, &c., of hospitals for contagious diseases, &c. ;

42. To appoint a competent person to inspect meat and milk sold or offered for sale in the town, and to confer upon him the power of confiscating all meat and milk of bad quality, or which is unwholesome or injurious to the public health ;

Appoint &c., milk inspector, &c. ;

43. To impose a fine, and imprisonment in default of payment of the fine and costs, upon any person selling or offering for sale in the town, any meat or milk of bad quality, unwholesome, and injurious to health, contrary to the by-laws.

Impose a fine &c., upon person selling bad meat, &c.

17. When a proprietor cedes gratuitously to the town any land for a street traversing his property, the remainder of the property fronting on the new street may be, by resolution of the council, exempted, in whole or in part, from the apportionment necessitated by the opening of such street ; provided that the part so exempted has a depth of not more than one hundred and fifty feet.

When property gratuitously ceded for street, remainder may be freed from taxes for opening street.

18. The council shall have power to cause such of the streets, avenues and highways in the town, or any part thereof, which shall not have been heretofore recorded or sufficiently described by *procès-verbal* or otherwise, and shall have been opened for public use for ten years, to be ascertained, described and entered of record in a book to be kept for that purpose by the secretary-treasurer of the town ; and the said streets, avenues and highways, when so entered of record, shall be public streets, avenues and highways, and the record thereof shall, in all cases, be held and taken as evidence of their being such public streets, avenues and highways.

Council may have description, &c., of streets recorded by secretary-treasurer.

19. If any road or avenue, not the property of the town, but opened to and used by the public, should be in need of repairs, the council shall have the right to compel the owner or owners of the said road or avenue to make such repairs ; and, if such repairs are not made within the delay fixed by the council, the council shall have the right to make such repairs and charge the cost thereof to, and recover the same from such owner or owners.

Council may compel owners of private roads used by the public to repair same, &c.

20. The town may, with the permission of the Lieutenant-Governor in Council, obtained on petition to him ad-

Streets may be less than sixty-six feet

wide with consent of Lieutenant-Governor.

dressed, in special and exceptional cases, order that the width of roads and streets in the town be less than sixty-six feet.

Permit required to cut ice on river, &c.

21. No person shall cut and take ice on the river opposite the town unless he has previously obtained a written permission from the inspector and the authorization of the council, and such person shall, in such case, surround the place where he cuts ice, so as to prevent all danger; if he neglect so to do, the inspector may cause the necessary work to be done at the expense of the person in default, who may further be condemned for each offence to a fine not exceeding twenty dollars and costs, and in default of payment of the fine and costs, to an imprisonment not exceeding one month.

Charge for permit.

The corporation shall have the right to charge a sum not exceeding ten dollars for every permit so granted.

LOANS

R. S., 4529, replaced for town.

By-law required for town loans and approval required.

22. Article 4529 of the general act is replaced, for the town, by the following :

Town loans, whether by the issue of debentures or otherwise, shall only be made on a by-law of the council to that effect, approved by a majority in number of the proprietors, who are municipal electors, who, at the time fixed, actually cast their votes for or against such by-law; but, if one hour shall elapse after the opening of the meeting held for the approval or disapproval of the said by-law, without a demand for a vote, the by-law respecting such loans shall be deemed as approved; but should a vote be taken, it shall be necessary that at least one-third of the total proprietors who are eligible to vote shall actually cast their votes for such by-law.

R. S., 4530, replaced for town.

When interest and sinking fund on loans absorb half revenue, no further loan to be contracted without special permission of Lieutenant-Governor in Council.

23. Article 4530 of the general act is replaced, for the town, by the following :

When the interest and the sinking fund of the sums borrowed by the corporation shall absorb half the revenue of the town, the council shall not, in any case, contract a new loan without having been specially authorized thereto by the Lieutenant-Governor in Council, and, moreover, without having obtained the approval of the majority in number of the proprietors who are municipal electors, and who, at the time fixed, actually cast their votes for or against such by-law; but, if one hour shall elapse after the opening of the meeting, held for the approval or disapproval of the said by-law, without a demand for a vote, the by-law respecting such loans shall be deemed as approved; but should a vote be taken, it shall be necessary that at least one-third of the total

proprietors who are qualified to vote shall actually cast their votes for such by-law.

Any by-law authorizing a loan by virtue of this article shall levy a special annual tax, which shall be sufficient for the payment of the interest for each year, and of one per cent. per annum, at least, as sinking fund, until the debt be extinguished.

Special tax to be levied therefor.

In the event of a vote of the municipal electors being required to be taken in regard to loans, such vote shall be taken by ballot in the manner above provided regarding municipal elections.

How vote to be taken.

24. Article 4533 of the general act is replaced, for the town, by the following :

R. S., 4533, replaced for town.

The poll is held and presided over by the mayor, with the assistance of the secretary-treasurer. It is held for one juridical day from eight o'clock in the forenoon to nine o'clock in the afternoon.

Mayor to preside, &c.
Poll held for one day, &c.

25. Notwithstanding the provisions of any article of the general act, tutors, administrators, curators, institutes under substitutions, married women, and trustees, who are seized, possessed or interested in any real estate in the town, shall have the right to vote on any by-law of the council authorizing the contracting of any loan to pay for improvements made in the town.

Tutors, &c., to have right to vote on by-law authorizing loan, &c.

26. Article 4536 of the general act is replaced, for the town, by the following :

R. S., 4536, replaced for town.

At the close of the poll, the mayor shall count the "yeas" and the "nays", and within the four days following he shall lay before the council the result of the voting, together with a statement showing the total number of proprietors who are qualified to vote and the number who have actually voted for or against such loan.

Counting of votes by mayor.

A certificate shall also be given under the hand of the mayor, for the information of the council, showing whether the majority in number who have voted have approved or not approved of such by-law.

Certificate as to whether majority has approved, &c.

If no poll or vote have been demanded, a certificate to that effect shall be given under the hand of the mayor and secretary-treasurer.

Certificate if no poll asked for.

If the council desire to examine the poll-books, they shall be forthwith laid before it.

Examination of poll-books.

In the case of an equal division of votes the mayor shall give his casting vote.

Casting vote of mayor.

SPECIAL IMPROVEMENTS

27. The council may, from time to time, make, amend and repeal by-laws to raise, by special assessment or other-

Council may by special assessment raise

money to open
&c., streets,
&c.

wise, money sufficient to acquire, open, widen, prolong, alter, macadamize, grade, level or otherwise make, pave or permanently repair any boulevard, street, road, avenue, lane or alley, public way or place, or any section or sections thereof, in the town, and to acquire and lay water-pipes therein and construct hydrants thereon as may be necessary to supply the inhabitants with water and as a protection against fire ; to make, enlarge, prolong or permanently repair any common sewer or drain therein ; to construct or permanently repair such bridge or bridges therein as may be necessary ; to fence in such boulevards, streets, roads, avenues, lanes, alleys, public ways or places, or any section or sections thereof, and to make, carry out and complete such work or works, or any or all of them, provided that such by law be approved by a majority of the whole council.

Approval of
by-law by mu-
nicipal elec-
tors who are
proprietors,
&c.

Every by-law, whether for the above or any other purpose, involving an estimated expense of over one thousand dollars, must be approved by the majority in number of the proprietors subject to be assessed for such improvement, and who, at the time fixed, actually cast their votes for or against any such by-law, and such votes shall be taken by ballot and in the manner and subject to the procedure for the approval of loans ; and all corporations and estates owning land subject to said assessment, shall have the right to vote for or against such by-laws by and through their duly authorized agent or attorney.

Notice of by-
law involving
expense of
certain sum to
be published.
in newspa-
pers, &c.

28. A notice, stating in general terms the purpose of such by-law, when it involves an estimated expense exceeding one thousand dollars, shall be inserted for a period of at least six days, before the passing thereof, in one French and one English daily newspaper published in the city of Montreal, or in the town of St Lambert.

Council may
acquire &c.,
water-pipes,
&c.

29. The council may acquire and lay, or cause to be made or laid, all such water-pipes, hydrants, drains and sewers, and do or cause to be done all such works as may be necessary to that end.

Council may
declare that
part of ex-
pense is to be
borne by pro-
prietors in-
terested.

30. The council, by a resolution passed by a majority of the whole council, may declare that a proportion or percentage of the cost of such improvements, or any or all of them shall be borne and paid for by the properties situated and fronting on the said boulevards, streets, roads, avenues, lanes, alleys, public ways or places, or any section or sections thereof, and, in that event, the secretary-treasurer shall give special notice, addressed by registered letter through the post office, to each person in whose name any of such fronting properties were last assessed, to his actual or last known domicile, and in such notice indicate the nature of the improvement

Special notice.

and the amount or percentage of the cost thereof to be assessed on the fronting properties, within ten days from the passing of such resolution.

31. In the event of a petition objecting to the whole or such portion or percentage of the cost being assessed on such fronting properties being presented to the council within thirty days of the passing of such resolution, signed by the majority of the proprietors, tutors, administrators, guardians, curators, institutes under substitution, married women, trustees and the like, assessed for, possessed of, interested in, or owning such fronting properties on any of the said boulevards, streets, roads, avenues, lanes, alleys, public ways or places, or any section thereof, then the amount or percentage of the cost of any such improvements to be borne and assessed by such fronting properties shall be determined by arbitration; the arbitrators to be appointed in the manner and according to the procedure prescribed for expropriations, so far as can be made applicable, save and except that the petitioners shall be bound to name and appoint, in and by their petition, one arbitrator to act on their joint behalf in the said arbitration.

If objection is made, arbitration to be had.

How arbitrators to be appointed.

32. The award of the arbitrators, or a majority of them, shall be final and not subject to appeal, and shall form the basis of the assessment to be levied on such fronting properties.

Award of arbitrators final &c.

33. If the whole or a proportion or percentage to be assessed on the fronting properties is not diminished by the award of the arbitrators, the costs of the arbitration shall be assessed on the fronting properties, otherwise the costs of the arbitration shall form part of the cost of such improvements.

Costs of arbitration how levied.

34. Pending the decision of the arbitrators the council may proceed with the said improvements or any of them.

Council may proceed pending arbitration.

35. The balance or remainder of the cost of all or any of such improvements, over and above the proportion to be borne, as aforesaid, by the fronting proprietors, shall be borne by the whole town.

Balance of cost how levied.

36. The council may determine the mode, method and manner in which the said improvements, or any of them, are to be made and carried out, and the manner of laying, levying and collecting such special assessment, making the award of the arbitrators the basis of assessing the fronting properties, in the event of their proportion of the cost of any such improvements being diminished as aforesaid.

Council to determine how improvements to be carried on.

37. Such assessment shall be made, levied and collected at such times as may be ordered by the council, and it may

How assessments shall be levied, &c. ¶

order that the cost incurred in making any such improvements, be levied and collected at once or by instalments during a certain number of years.

Interest on deferred payments.

38. Such assessment, if the total cost of the improvements be spread over a certain number of years, may include interest on future payments.

Special roll of assessment to be made by secretary-treasurer.

39. The secretary-treasurer, as soon as the accounts of the cost of making and carrying out the improvements and all expenses connected therewith shall have been sent in and approved by the council, shall, within a delay to be fixed by the council, make a special roll for the assessment and apportionment of the cost of such improvements.

Notice to be given in newspapers of time when roll to be submitted to council for homologation.

40. When the special assessment roll shall have been made, the secretary-treasurer shall give public notice in one English and one French daily newspaper in the city of Montreal or town of St. Lambert, to be inserted for a period of at least three days, stating the date and hour when such special assessment roll shall be submitted to the council for homologation.

Council to hear parties, &c., homologate roll, &c.

41. The council shall, on the date fixed, hear all parties interested and may adjourn its meetings from time to time when necessary, and, after examination of any complaints or objections that may be made, may maintain, modify and amend, in its discretion, such assessment roll, but without interfering with the basis of assessment on fronting properties when determined by arbitrators as aforesaid; the council may homologate the said roll with or without amendments, as the case may be, and such roll shall then be final and not subject to appeal.

Subsequent assessment, if first insufficient, &c.

42. In case the first assessment prove insufficient, the council may make or cause to be made a second in the same manner, and so on until sufficient money be realized to pay for such improvements or works.

When assessment due and how collected.

43. Such assessment shall be due, exigible, and collectable from proprietors in such proportional amounts or instalments as may be fixed by the council, and shall be payable at such times as may be ordered by the council, and the secretary-treasurer, when so ordered, shall collect the instalments or amounts from the proprietors in the manner in which municipal taxes are collected.

Assessment to be privileged without registration, &c.

44. The said assessment shall be a privileged debt exempt from the formality of registration, and shall bear interest at six per cent. per annum from the date on which it becomes due; discounts for prepayments may be allowed.

45. The council shall have power to purchase, acquire, take and enter into any land, ground or real property whatever within the limits of the town, necessary for the purpose of the improvements, or for any purposes whatever provided for by this act, or for forming or making any public park or square, either by amicable arrangements entered into between the corporation and the proprietors or other persons interested, or by adopting the provisions and complying with the formalities respecting expropriations herein mentioned, and, in the event of its being necessary or advisable, for the purpose of such improvements, to acquire any larger tract of land than may be ultimately required for the purpose of such improvements.

Council may acquire, &c. land, &c., for improvements, &c.

46. The council may sell any portion of the land so acquired and not ultimately required for such purpose, and shall apply the proceeds thereof in part payment for such improvements, and, if a special assessment be levied for the same, the balance of such cost shall alone be assessed for.

Council may sell land not required, &c.

47. All the provisions of this act shall apply to existing streets, roads, avenues, lanes or alleys, public ways or places, or any section thereof, in the town, and also to all streets, roads, avenues, boulevards, lanes or alleys, public ways or places, or any section thereof, that may hereafter be opened by the corporation or laid out and determined on any plan of the municipality that may hereafter be confirmed and homologated by the Superior Court.

Act to apply to existing roads, &c.

48. The powers conferred on the corporation respecting loans shall apply to all the purposes mentioned in this act, and the corporation may, from time to time, contract such loan or loans as may be necessary to pay for the improvements made and carried out under the provisions of this act; but every by-law, authorizing any loan as aforesaid, shall provide, from and out of the revenues of the corporation, an annual tax sufficient for the payment of interest in each year, and one per cent. per annum at least of a sinking fund until the debt be extinguished.

Powers respecting loans to apply to all purposes mentioned in act.

Proviso as to payment of interest and sinking fund.

49. No part of the proceeds of any such loan or loans shall be expended for the purpose of such improvements, unless such expenditure shall be authorized by a majority vote of the whole council.

Proceeds of loan to be applied to such improvements.

50. The council may acquire and purchase any land for the use, and required in the interests of the town, either within or without the limits of the municipality, and may provide for the lease, purchase or erection of any building that the town may require.

Council may acquire land within and without town limits, &c.

Council may contribute out of revenues or borrow money for improvements.

51. The council may contribute to the cost of any improvements ordered by it out of the revenues of the corporation, or it may borrow moneys required to pay for such share of any such improvements by complying with the formalities and procedure prescribed respecting loans.

Council may pay out of general funds expense that would fall on exempted property, &c.

52. In case of a special assesment for any improvement, the council, if it think fit, may by by-law or resolution, provide for constructing, at the expense of the general funds of the municipality, any part of the said improvements which may be situate upon or in that part of any street, lane, alley, public place or square intersected by any other street, lane, alley, public place or square, or which would otherwise fall on property exempt from assessment.

Council may provide an equitable manner of assessment of triangular lots, &c.

53. The council of the town may, by by-law or resolution, provide an equitable mode of assessment for any improvements ordered or to be ordered for works and services on corner lots, triangular or other irregular shaped pieces of land situate at the intersection or junctions of streets, roads and squares, having due regard to the situation, value and superficial area of such lots as compared with adjoining lots and pieces of land assessable for such works, improvements and services, and may charge the amount of any allowance made on any such lot or piece of land on the other real property fronting on the improvements, or assume the same as a portion of the corporation or town share of the work or improvements, or otherwise, as the council may determine.

SEWERS

Council may pass by-laws to :
Regulate sewerage ;

54. The council shall have power also by by-law :
To regulate the sewerage of the town, and to assess proprietors of immoveable property to defray the cost of making any sewer in any street within the limits of the town.

Regulate manner of raising assessments therefor ;

55. To regulate the mode in which such assesments shall be made, either by a frontage tax or by a general assessment upon all the taxable property of the town, and the manner of levying such assessments.

Regulate when private drains may be made, &c. ;

56. To regulate the time when private drains may be made, and also the manner and material with which the same may be constructed, the corporation making the same from the line of the street to the common sewer, at the expense of the corporation.

Acquire, &c., discharge drains, &c. ;

57. To acquire and construct all such discharge drains and sewers, from the limits of the town to the place or places of connection in other municipalities, or to the river

Saint Lawrence, as may be necessary to secure to the town sufficient means of drainage and sewerage; and the cost thereof, or any compensation to be paid as aforesaid therefor, shall be ascertained, laid and collected within the town in such manner as may be determined by the council, and the council may regulate the mode in which such assessments shall be made and the manner of levying the same.

58. To compel or regulate the filling up, draining, clearing, altering, relaying or repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies, and to assess the owners or occupants of such grounds or yards or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situated, with the cost thereof, if done by the council on their default.

Compel, &c., filling up of grounds, yards, &c.
Assess for amount if done by council.

The amounts so expended shall constitute a lien on the said lot or lots, and shall be recoverable in the same manner as a special tax thereon.

Amounts expended to be lien on lots ;

59. To make any other regulations for sewerage or drainage that may be necessary for sanitary purposes.

Make other regulations respecting sewerage.

REMEDIES FOR INFORMALITIES

60. In case there should, at the passing of this act or thereafter, exist any clerical error, omission or informality in any proceedings in expropriation or in the making out of any reports of arbitrators or commissioners, or of any roll of assessments prepared in respect of the cost of any improvements, whether such error, omission or informality be committed by the arbitrators or commissioners, or any of them, or by those who are by law entrusted with such proceedings, the Superior Court or any judge thereof may, upon petition to that effect, permit, in its discretion, the rectification of such error, omission or informality, upon such conditions as to costs as the court or judge may order.

Rectification of clerical and other errors in expropriation proceedings, &c., upon petition to Superior Court or judge.

61. When any roll of assessment or report made by arbitrators or commissioners, to defray the cost of any improvement is annulled by competent authority, the town may cause a new report to be made by arbitrators or commissioners appointed as by this act provided; and all the provisions of the law, with respect to the making of any such assessment or report, and all matters incidental thereto, shall apply to such assessment or report; provided always, that proceedings for the making of any new assessment, report or apportionment, shall be commenced within six months from the date of the annulment of the previous report or roll.

New report, &c., to be made if old one annulled, &c.

62. If any special assessment roll be annulled by competent authority, the secretary-treasurer shall make another

New assessment roll to be made if old one annulled.

special assessment roll for the same purpose in the manner by law provided, and the same, when completed according to the formalities prescribed, shall have full force and effect.

Rights of ac-
quirer, if as-
sessment roll
having been
annulled a
new one is
made.

63. If, for the purpose of any improvement, any immoveable property is charged with any special assessment by any report or special assessment roll which is subsequently annulled by competent authority, and a new report and special assessment roll is made for the recovery of such special assessment, and if any change has taken place in the ownership of such property between the date of the first report and the date of the completion of the new special assessment roll, the new proprietor of such immoveable property, upon payment or demand of the amount thereof, shall have the same right in warranty against his vendor, in respect of such demand or payment, as if such property had become charged with a valid hypothec for such amount at the date of the homologation of the first mentioned special assessment roll.

Payments
made under
assessment
roll annulled
to avail as if
made under
new roll.

64. Whenever a report of arbitrators or commissioners, or special roll of assessment, for any street or other improvement, shall be annulled or set aside, the payments made under the authority of the same shall not be thereby invalidated; but such payments, with interest added, shall go to the discharge of the respective amounts fixed by the new report and assessment roll, subject, on the part of the ratepayer, to make good any deficiency or to receive back any surplus according to the difference that may eventually exist between the old and the new reports and assessment rolls.

Application of
section.

The present provisions shall apply as well to reports and special assessment rolls heretofore made as to those which may hereafter be made.

VALUATION ROLL

Annual valua-
tion roll to be
made.

65. The valuator shall annually make, at the time and in the manner ordered by the council, the valuation of the taxable property of the municipality according to the real value.

Annual or
rental value
to be entered.

They also make the valuation of the annual value or rental of such property and enter it in the roll in a separate column.

Names of
tenants to be
entered.
How valua-
tors to proceed
in valuing
property.

They also enter in the roll the names of tenants and the amount of annual rent paid by each.

The valuator shall, annually, when making the valuation roll, make a valuation of the taxable immoveable property, irrespective of the buildings thereon erected, and enter the same in a separate column; and such valuation shall be the basis on which any special tax ordered to be levied on such valuation shall be made.

EXPROPRIATION FOR MUNICIPAL PURPOSES

66. In matters of expropriation, if the council and the party expropriated cannot agree, or if the proprietor be a minor or be not in the enjoyment of his civil rights, the question shall be decided as follows :

A notice shall be served by the town or its attorney upon the party to be expropriated containing :

(a) A description of the land to be taken ;

(b) A declaration that the town offers to pay a certain sum, which is therein mentioned, as an indemnity and compensation ;

(c) The name of the arbitrator for the town, in case the offer be not accepted.

This notice must be accompanied by a certificate of a sworn surveyor, not interested in the matter and not being the arbitrator named in the notice, establishing that the expropriation of the land is necessary, that he knows the land claimed and the damages which might result from the expropriation, and that, in his opinion, the sum offered is a sufficient indemnity.

67. If, within five days after the service upon him of such notice, the person expropriated does not notify the town that its offers are accepted, or does not give the name of his arbitrator when signifying his refusal, a judge of the Superior Court, upon being petitioned so to do, names the sole arbitrator to determine the amount of the indemnity.

68. If the person expropriated has, within the prescribed delays, given the name of his arbitrator and the amount of indemnity which he claims, either party may petition a judge of the Superior Court to name a third arbitrator.

69. This petition shall be in writing, and five days' notice of the same shall be given to the opposite party.

After the expiration of such delay of five days, a judge of the Superior Court, upon proof that the above prescribed formalities have been fulfilled, names such third arbitrator, who, with the two already named, proceeds to the arbitration.

70. Before proceeding, the arbitrators shall be sworn before a justice of the peace for the district of Montreal or before the secretary-treasurer of the council to impartially perform the duties of their office.

71. At their first meeting, the arbitrators or sole arbitrator may name a secretary, whose duties shall be to keep a record of the minutes of all the proceedings which shall be signed by the arbitrators at the end of each sitting or at the following sitting.

In expropriations, if parties do not agree proceedings to be as follows :

Notice to be sent and what to contain.

Certificate to accompany notice.

If party does not name arbitrator within certain time judge appoints sole arbitrator.

Nomination of third arbitrator on application to judge.

Petition to be in writing, notice therefor.

Appointment by judge.

Arbitrators to be sworn.

Appointment of secretary by arbitrators.

Emoluments of secretary. **72.** The emoluments of such secretary are fixed by the arbitrators and shall form part of the costs of the arbitration.

Power of arbitrators, &c., to hear parties, &c. **73.** The arbitrators, in the course of the proceedings, or a majority of them, or the sole arbitrator, may hear the parties, if they deem it necessary, and they shall proceed to the examination of the premises with the object of determining the amount of the indemnity to be awarded.

Notice by arbitrators and proceedings by them. **74.** The arbitrators shall proceed at the time and place appointed by them, of which they shall have given a special notice of at least five days to the parties interested.

Service of notice. **75.** The said special notice shall be served in the manner provided for the service of special notices.

Award of arbitrators. **76.** The arbitrators, after having examined and valued the land and heard the parties, shall give their award by means of a certificate, signed by them or by a majority of them, which they deposit in the office of the council; such award is final and without appeal.

Defects of form not to annul award, &c. **77.** No defect of form shall annul the award of the arbitrators, if all the requirements of the law have been fulfilled, and if the award determines clearly and concisely the amount awarded, and the lands, rights, buildings and other things for which such an amount is an indemnity.

It is not necessary that the person to whom the amount should be paid be named in the award.

Decision of arbitrators as to payment of costs. **78.** The arbitrators may decide which party shall pay the costs or a proportion of the costs of the arbitration and also the amount of remuneration each arbitrator shall receive, which remuneration shall not exceed ten dollars per day.

Town takes possession of property upon payment, &c., tender of award. **79.** By the payment, or legal tender followed by deposit in the court, of the amount of indemnity awarded to the party entitled to it, the award gives to the town authority to take immediate possession of the property and to exercise the rights or effect the purposes for which the indemnity was granted.

Warrant, if resistance offered. **80.** If resistance or opposition be offered to the taking possession of the property or to the exercise of such rights, the judge may, upon sufficient proof of the award of the arbitrators, issue his warrant, addressed to the sheriff of the district or to a bailiff, as he may think proper, to put the town in possession, and to put an end to all resistance or opposition.

81. The judge shall grant such warrant only after a notice of the time and place when the application for the same shall be presented to him has been served five days previously upon the proprietor of the property, or upon the person having the right to pass a deed transferring such expropriated property, or having an interest therein.

Notice to be given of application for warrant.

82. If the town have reason to fear hypothecary claims or troubles, or if the proprietor be a minor, it shall be lawful for it to deposit in the hands of the prothonotary of the district of Montreal, the indemnity and six months' interest thereon, together with a copy of the award.

Deposit of award and interest for six months if town fear hypothecary claims, &c.

83. The award is then considered a title to the properties mentioned in it, and proceedings are taken to obtain a confirmation of the title in the same manner as in other cases of confirmation of title.

Effect of award thereafter.
Application for confirmation of title.

84. The judgment in confirmation of title extinguishes for ever all claims against the property, including unopened dower, as well as all mortgages and charges with which the property may be encumbered.

Effect of judgment in confirmation of title.

85. The court shall issue such order for the distribution, payment or investment of the indemnity and for securing the rights of all parties interested which it may consider right, according to justice and equity.

Court orders distribution, &c.

The costs of the proceedings shall be paid by the party indicated by the court.

Costs by whom payable.

86. If the judgment in confirmation be obtained in less than six months from the depositing of the indemnity in the hands of the prothonotary, the court orders that a proportionate amount of interest be paid to the depositing party.

Interest to be allowed depositing party if confirmation obtained in less than six months.

If the judgment be obtained only after the six months, the court shall order that such additional sum, as it may deem proper, shall be deposited to pay the amount of interest.

If after six months, interest to be paid by depositing party.

87. In case any arbitrator, appointed under any of the provisions of this act, or any commissioner appointed previous to the passing of this act, dies or is disqualified, refuses or is unable to act, the Superior Court, or any one of the judges of the court, as the case may be, shall, upon a summary petition to that effect to be presented by the town council, replace such arbitrator or commissioner by another competent and disinterested arbitrator or commissioner, upon whom the said office shall be binding in the same manner as upon his predecessor.

Replacing of arbitrator who dies, &c.

Exemption from taxes for thirty years of persons establishing industries, &c.

88. The council may, by resolution, exempt from the payment of municipal taxes, for a period not exceeding thirty years, any person who carries on any industry, trade or enterprise whatsoever, as well as the land used for such industry, trade or enterprise, or agree with such person for a fixed sum of money, payable annually, for any period not exceeding thirty years, in commutation of all municipal taxes ; but such resolution of the council shall be without effect until confirmed by a vote of the municipal electors taken by ballot in the manner above provided regarding municipal elections.

Proviso.

Exemption of the poor.

It may also exempt the poor of the town and their property from the payment of municipal taxes.

Declaration to be made by secretary-treasurer in cases of seizure by garnishment, &c.

89. The secretary-treasurer of the town is authorized to make in any court of justice, in cases of *saisie-arrêt* in the hands of such corporation, all declarations which the corporation was heretofore held to make through an attorney specially authorized to that effect.

RECORDER'S COURT

Establishment of recorder's court.

90. The town council may, by 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.

Sittings where to be held.

91. 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.

Appointment of recorder, &c.

92. The recorder shall be appointed by the Lieutenant-Governor in Council, on the recommendation of the town council ; he shall be *ex-officio* a justice of the peace in and for the district of Montreal, and shall be vested with all the rights and powers and with all the authority of one or two justices of the peace and of the recorder's court.

Recorder to be member of the Bar. May practise in other courts.

93. The recorder shall be a member of the Bar of the Province of Quebec.

The acceptance of such office, and the exercise of the duties thereof shall not disqualify him from practising his profession before courts of justice other than the recorder's court, any law or regulation to the contrary notwithstanding.

Salary of recorder.

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

Regulations as to appointment of substitute and clerk.

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

96. The recorder's court and all its officers shall be governed by the provisions contained in title sixteen of the act 52 Victoria, chapter 79. 52 V., c. 79, title 16 to govern recorder's court, &c.

97. This act shall not in any way affect the claims or obligations which the council of the county of Chambly may have against the municipality actually erected into a town. Certain claims not affected by act.

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

CAP. LXI

An Act to incorporate the village of Grand'Mère

[Assented to 15th January, 1898]

WHEREAS the Laurentide Pulp Company (Limited) have prayed for the incorporation of a certain extent of territory known as Grand'Mère, under the name of "Village of Grand'Mère," and whereas the inhabitants and rate-payers of the said territory have approved of the said prayer; therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: Preamble.

CONSTITUTION OF THE CORPORATION

1. The Village of Grand'Mère shall include the territory, comprised within the line described as follows: Territory of village.

"Commencing at the point of intersection of the division line between lots Nos. 85 and 86 on the official plan and book of reference of the Cadastre of the parish of Ste. Flore, with the division line between *La Concession Ste. Catherine* No. 1 and *La Concession Ste. Catherine* No. 2; thence, north-westerly along the said division line between the said lots Nos. 85 and 86, a distance of twenty-four arpents, five perches and three feet, to the north-west side of the public road between the range St. Olivier and the said *Concession Ste. Catherine* No. 2; thence, in a north-easterly direction, along the said north-west side of the said public road, a distance of seven arpents and ten feet to the concession line of the St. Olivier range and *La Concession de la Grand'Mère*; thence, north-westerly, along the last mentioned concession line, a distance of three arpents to the division line between lots Nos. 94 and 95; thence, in a north-easterly direction, along the division between lot 94 on the north-east side of the said line and lots Nos. 95 and 96 on the north-west side of the said line, a distance of twenty-one arpents to the west bank of the River St. Maurice; thence,