

in the town, to report the same within three days to the Board of Health, and to furnish such particulars and details as the said Board may require in the interests of public health.

Coming into force.

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

CAP. LXIV.

An Act to amend the charter of the town of St. Louis.

[Assented to 9th January, 1897.]

Preamble.

**W**HEREAS the corporation of the town of St. Louis has, by petition, prayed for certain amendments to the act 59 Victoria, chapter 55 ; 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 :

Art. added after 59 V., c. 55, art. 16.

**1.** The following article is added after article 16 of the charter of the town of St. Louis, 59 Victoria, chapter 55 :

When secretary-treasurer bound to make list of electors.

“**16a.** The secretary-treasurer shall be bound to make out the list of electors required by article 4515 of the Revised Statutes only after the coming into force of the roll preceding the general election.”

Arts. added after id., art. 17.

**2.** The following articles are added after article 17 of the charter :

Deposit by candidate.

“**17a.** When a candidate is nominated for the office of mayor, such candidate shall, with his nomination paper, deposit in the hands of the presiding officer, a sum of two hundred dollars, and when a candidate is nominated for the office of councillor, such candidate shall likewise deposit a sum of one hundred dollars.

Not to be liable to seizure and to be returned to him in certain event.

Such sum shall not be liable to seizure, and shall be repaid to the candidate elected, or to the candidate who, if not elected, obtains at the voting at least one half the number of votes given in favor of the candidate elected ; otherwise such sum belongs to the town.

Application of sums not returned.

The sums so paid in and which have not been withdrawn shall be applied to the payment of election expenses, and the treasurer shall account therefor to the council.

Division of wards according to number of councillors to be elected, &c.

“**17b.** The council may, by by-law, order that the wards be subdivided, as regards the nomination and election of candidates for the office of councillor, by seats, bearing numbers corresponding with the number of councillors to

be elected in each ward, in such manner that the nomination and election shall be made for each of such seats, and that, in the event of a candidate for a seat not being opposed, he may be declared elected."

**3.** The following subsection is added after subsection 4 of article 24 of the charter : § added after id., art. 24.

"4a. In future, no person or company shall open up the streets of the town nor do any work therein without having previously obtained the consent of the town council in writing, except in the case of existing companies under previous acts, which shall remain subject to their natural interpretation." Consent of council required before work on street commenced.

**4.** Subsection 20 of article 26 of the charter is replaced as follows : Id., art. 26, § 20, replaced.

"20. To enter into special agreements with the city of Montreal or any other municipality or municipalities for the purpose of obtaining, during a specified period, an outlet for the sewers of the town, in consideration of the amount of compensation to be agreed upon, either by mutual agreement or by arbitration ; but, in the event of such outlet being refused, the town shall have the right to build a main sewer to carry the sewerage to the nearest suitable point on the river St. Lawrence or on the river des Prairies, through any municipality whatever, except the city of Montreal, and the payment therefor of such reasonable compensation as may be determined by arbitrators ; and the town shall have the right to compel all municipalities and proprietors using the said main sewer to contribute proportionately towards defraying the costs of the building and maintenance of the said main sewer." Agreements for outlet of sewerage.

**5.** Article 33 of the charter is replaced as follows : Id., art 33, replaced.

"**33.** At no time shall the debt of the town exceed fifteen per cent. of the assessed value of the real estate of the town." Debt of town limited.

Whereas, however, in virtue of existing by-laws, the cost of making the sewers and water-works is reimbursable by the proprietors and the Montreal Water Power Company ; Further preamble.

Whereas the power of contracting loans now possessed by the town is insufficient for the requirements of the municipality in connection with the making of such sewers, water-works and works on the streets, the town may borrow, to the extent of twenty per cent. of the assessed value of the real estate for the purpose of continuing such works ; provided that if, at any time, the council should exceed the last mentioned limit, every councillor who, by his vote, shall have contributed towards exceeding such limit, shall

be personally liable for every such excess ; provided, further, that no contract, for the construction of any work, or for the purchase of goods or materials for an amount exceeding five hundred dollars, shall be legal, nor shall it be passed by the council, nor signed by the mayor or any other member of the council, in favor of any person, firm or company, unless tenders have previously been publicly called for by public notice published three times during one week in a French and in an English newspaper in circulation in the municipality, and unless the accepted tender has been ratified by the vote of at least six councillors ;

Whereas, since the twentieth November last, the council has passed certain resolutions for the purpose of having all the work of the municipality done by a single partnership or firm for a period of five years ;

Whereas the effect of such resolutions is to unlawfully impose upon the municipality a debt beyond the powers of the council, contrary to what is above set forth ;

Ratification of certain resolutions required.

It is hereby declared that none of the said resolutions shall have force or effect nor become executory until it has been ratified by two-thirds of the council, and submitted for the approval of the majority, in number and in real value, of the municipal electors who are real estate owners, as provided by articles 4529 and following of the Revised Statutes, and that no contract based on such resolutions shall be carried out, unless such resolutions have been ratified as aforesaid."

Art. added after id., art. 49.

6. The following articles are added after article 49 of the charter :

Appointment of assessors, &c.

" 49a. In the month of March of each year, the council shall appoint six assessors, whose number it may, from time to time, increase or diminish by by-law, and it may afterwards dismiss those who do not faithfully perform their duties, and fill the vacancies which may occur in such office.

Term of office.

Such assessors shall remain in office until their successors are appointed.

Salary.

The council shall, from time to time, fix the salary of such assessors.

Oath to be taken.

Before entering upon their duties, the latter shall take the oath of office according to schedule A, before the mayor or a councillor.

Duties of assessors.

" 49b. The assessors shall, each year, assess all the immoveable property of the town, and likewise report the names of all persons liable to the payment of any tax or assessments, being careful to specify the amount payable by each rate-payer according to law.

"49c. In their valuation of the immoveable property, with the exception of that mentioned in article 49, the assessors shall take, as a basis for the valuation, the actual value of such property at the time they establish the same; they shall also specify and include in the valuation roll the *bonâ fide* rent of such property; or, if they consider that such rent does not represent the actual value within a reasonable proportion, they shall enter the actual value on the said valuation roll.

Basis of valuation.

If the owner of the immoveable resides in or is in possession of the same, the assessors shall determine the rent which might or should, in their judgment, be obtained for the property if it were leased.

Id., if proprietor resides thereupon, &c.

"49d. When the assessors value a property, owned undividedly by more than one person, and the partition whereof is not registered in the registry office, they may designate it as belonging "to the estate of \_\_\_\_\_," being careful to mention the name of the person from whom the parties have inherited the property, or the name of one of the co-proprietors thereof and the co-heirs, in the case of an estate, or the co-proprietor so named, as the case may be, shall be bound to pay the assessment, saving their recourse against all other persons liable for the payment.

Entry of property belonging to estates.

"49e. The council may, from time to time, make by-laws to fix and determine the date at which the assessors shall commence their work in each year, the manner in which they shall perform their duties, and everything generally connected with the duties and obligations of such assessors.

Council to fix dates for assessors to commence duties, &c.

"49f. When the valuation roll for one or more wards is completed, the assessors shall give public notice thereof, in accordance with article 50 of the charter, specifying the delay fixed for the examination of the said roll, which day shall not be less than ten days from the date of the said notice, and shall therein specify the days on which the assessment roll shall be respectively revised.

Notice when valuation roll of wards completed.

"49g. On the days specified in the said notice, the assessors shall meet in their office, in the town-hall, and hear and examine the complaints submitted to them in accordance with the said notice respecting any entry on the said assessment roll, and they may adjourn from day to day, if necessary, to hear and adjudicate upon such complaints; and the assessors shall hear and examine under oath the complainant and all witnesses who may come before them; they shall weigh all the evidence received in connection with the said entry on the roll, and shall confirm or amend the same, as the case may be, and shall notify the complainant of their decision by sending him a written or printed notice by mail.

Meeting of assessors for revision of roll, &c.

Hearing of complaints

Delay to make complaint. No complaint respecting any entry in an assessment roll shall be received after the day fixed for the examination and revision of such roll.

Register of proceedings. The assessors shall keep summary notes of their proceedings in all cases of complaints submitted to them.

Appeal to judge. "49h. Every person who considers himself aggrieved by the assessors' decision may, by summary petition, apply for the revision thereof to any judge of the Superior Court, in term or vacation, within ten days from the date of such decision. After hearing the parties and the witnesses, the judge shall deliver his judgment, from which there shall be no appeal.

Deposit and coming into force of assessment roll. "49i. As soon as the assessors shall have completed the examination and revision of the assessment roll of a ward, they shall deposit it in the hands of the treasurer of the town, after having certified and signed it; and, thereupon, such roll shall, except in cases where an appeal has been lodged, become binding upon the persons mentioned or assessed therein, who shall be deemed to be debtors to the town for the amounts respectively mentioned in the said roll.

Notice of deposit. "49j. The treasurer of the town shall give public notice to the parties interested that the assessors have handed him the assessment roll for a ward or any assessment roll made under the provisions of this act, and that it is completed and deposited in the office of the council, and shall call upon all persons therein mentioned to pay the amount due by them at his office within twenty days of the publication of such notice.

Certain provisions of R. S., amended. "49k. All the provisions of the Revised Statutes, respecting town corporations, inconsistent with the above provisions, are, as regards the making and examination of the assessment roll, amended with reference to the town of St. Louis."

59 V., c. 55, art. 51, repealed, R. S., 4549, revived. 7. Article 51 of the charter is repealed, and article 4549 of the Revised Statutes, which is amended by the said article 51, is again put into force.

Art. added after 59 V., c. 55, art. 62. 8. The following article is added after article 62 of the

Prescription. "62a. Arrears of municipal taxes are prescribed by five years.

R. S., 4555, not to apply to town. Article 4555 of the Revised Statutes shall not apply to the town."

9. The following articles are added after article 66 of the charter :

Arts. added after 59 V., c. 35, art. 66.

“ 66a. When the plans of a ward, which are already in existence or may hereafter be made, are confirmed by the Superior Court, they shall become binding upon the corporation, upon the proprietors interested therein, and upon all other persons whomsoever, and, when new streets, squares or public places indicated on the said plan are opened, or when any streets, squares or public places indicated on the said plan are widened, no compensation or damages can be claimed or awarded for any building or improvements whatever which the owners or other persons have made or have caused to be made, subsequently to the confirmation of the said plan, upon any ground or immovable reserved either for new streets, public squares or places, or for the widening of existing streets, public squares or places, in the town.

No compensation for buildings &c., erected upon widened streets after homologation of plans, &c.

“ 66b. As soon as completed, a duplicate of each of such plans shall be deposited in the office of the prothonotary of the Superior Court, and another duplicate shall be deposited amongst the archives of the corporation ; and, when such plans shall have been confirmed and ratified by the said court, the town clerk shall enter, on the duplicate of each of such plans deposited in the archives of the town, the following words : ‘ Confirmed by the Superior Court on the day of \_\_\_\_\_ , ’ ”

Deposit of plans and confirmation thereof.

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

Coming into force.

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## FORM A.

### ASSESSOR'S OATH.

I, \_\_\_\_\_, having been appointed assessor for the town of St. Louis, do swear that I will faithfully, impartially, honestly and diligently perform all the duties of the said office to the best of my knowledge. So help me God.

(Signature.)

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