

streets, as drawn up by its engineer, with a width less than sixty-six feet, English measure.

3. The purchase by the city of St. Henri, from W. D. Davidson, for the price of twelve thousand dollars, of a lot of land in the municipality of the village of Côte St. Paul, in accordance with section 13 of the act 57 Victoria, chapter 60, is confirmed and ratified to all intents and purposes, without prejudice, however, to pending cases, if any there be.

Purchase of certain lot of land ratified.

If the council of the city of St. Henri should find it in the interest of the corporation to sell the said lot of land so purchased, it is empowered to effect such sale.

Such lot of land may be sold.

4. Notwithstanding the provisions contained in sections 5, 6 and 7 of the act 57 Victoria, chapter 60, the city of St. Henri cannot be compelled to proceed to the expropriation of the properties indicated, on the homologated plans for the streets of the city, as to be expropriated for any improvement whatsoever, except when the council shall have decided to proceed with such expropriation; but such expropriation shall be proceeded with, within two years after the sanctioning of this act.

When city is obliged to proceed with expropriations.

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

Coming into force.

C A P. L I I I .

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

[Assented to 21st December, 1895.]

WHEREAS the town of Fraserville has, by petition, prayed for certain amendments to the act 46 Victoria, chapter 80, incorporating the said town, and it is expedient to grant the prayer of such petition;

Preamble.

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

1. The following section is added after section 5 of the act 46 Victoria, chapter 80:

Sec. added after 46 V., c. 80, s. 5.

“**6.** The wharf belonging to the Federal Government shall be included within the limits of the town.”

Certain wharf within town limits.

2. Section 6 of the said act is repealed.

Id., s. 6, repealed.

Id., s. 8,
amended.

3. Section 8 of the said act is amended by adding at the end thereof the following words: "and has paid all school and municipal taxes then due, before being put in nomination."

Id., s. 10, re-
placed.

4. Section 10 of the said act is replaced by the following :

Qualifications
of mayor and
councillors.

"**10.** No person shall be capable of being elected and of acting as mayor or councillor of the town of Fraserville, unless he be a natural born or naturalized subject of Her Majesty, of the male sex, and of the full age of twenty-one years."

Id., s. 26, re-
placed.

5. Section 26 of the said act is replaced by the following :

Qualifications
of municipal
electors.

"**26.** Every person, who possesses, at the moment he exercises such rights and privileges, the following conditions, shall be a municipal elector, and as such shall have the right to vote at the election of mayor and councillors, and to exercise all the rights and privileges conferred on municipal electors by the provisions of this act :

1. He must have attained the age of majority, and be a British subject ;

2. He must have been in possession, in good faith, in the municipality, during the preceding six months, either in his own name or in the name and for the benefit of his wife or his minor children, as appears by the valuation roll in force, as proprietor of real estate of the actual value of at least two hundred dollars, or as tenant-farmer or lessee, or as occupant, by any title whatsoever, of any land, house or portion of a house, or office, store or shop, of the annual value of at least twenty dollars ;

3. He must have paid, before six o'clock in the afternoon of the juridical day previous to the voting in each year, all the municipal and school taxes then due and owing ;

4. His name must be entered in the valuation roll in force in the municipality, either as proprietor, lessee or occupant, or on the list of municipal electors, if there be such a list."

Id., s. 30, re-
placed.

6 Section 30 of the said act is replaced by the following :

When annual
general elec-
tions to be
held.
Nomination.

"**30.** The general elections shall be held annually in the month of January.

The nomination of candidates shall take place on the first Monday of January, at the hour of ten in the forenoon at the city-hall or public hall.

Polling

When voting is necessary, it shall take place on the second Monday of January."

7. Section 45 of the said act is replaced by the following : Id., s. 45, replaced.

45. The presiding officer may, of his own accord, or when thereunto required by a candidate or his representative, administer to any person tendering his vote the following oath : Electors may be required to take oath, &c.

“ You swear (*or affirm, when the same is permitted by law.*)

That you are twenty-one years of age and a subject of Her Majesty ;

That you are the person whose name is entered on the valuation roll (*or on the list now shown you*) ;

That you have not received or been promised anything, either directly or indirectly, to vote at this election.

So help you God.”

8. Section 46 of the said act is replaced by the following : Id., s. 46, replaced.

46. If an elector refuses to take the oath or to answer the questions put to him as aforesaid, his vote shall be refused, and he shall not thereafter be allowed to vote at the said election. If an elector refuses to take oath. &c.

If an elector takes the required oath, or refuses to take the same, or if objection is made to his vote, mention of each of such facts shall be made in the poll book, in the following terms:—“sworn,” “refused” or “objected to,” as the case may be.”

9. Section 65 of the said act is replaced by the following : Id., s. 65, replaced.

65. The examination and decision of such contestation shall be vested in the Superior Court of the district of Kamouraska, or in a judge of such court. Superior Court of Kamouraska to have jurisdiction.

Such contestation shall be made by a petition, signed by the petitioners or by their attorney, in which shall be clearly set forth the facts and reasons alleged in support of the contestation. How contestation to be brought.

The petition may also indicate the persons who have a right to the office in question and state the facts necessary to establish such right. What petition may allege.

10. Section 68 of the said act is replaced by the following : Id., s. 68, replaced.

68. The security required by the foregoing section shall be put in before the prothonotary, or before a judge of the Superior Court sitting in the district of Kamouraska. Before whom security to be put in.

The sureties shall be owners of real estate to the value of two hundred dollars, over and above any incumbrances there may be on such property. One surety shall suffice, provided he is an owner of real estate of the required value. Qualification of sureties.

One or more of the petitioners may be security, if they own sufficient property as aforesaid."

Id., s. 80, re-
placed.

11. Section 80 of the said act is replaced by the following:

Convening of
special ses-
sions of coun-
cil.

"**80.** A special session of the council may be convened at any time by the mayor or by two members of the council, by special written notice of such session to all the members of the council, other than those summoning the same, and by a public notice posted-up, in the place to be fixed by resolution of the council, on the day previous to such meeting. The notices shall mention the object of such session, and no other matter shall be considered at such meeting than that mentioned in the said notice."

Contents of
notice.

Id., s. 83, re-
placed.

12. Section 83 of the said act is replaced by the following:

Notice calling
special ses-
sion.

"**83.** Notice of the calling of any special session of the council shall be given to the members of the council and posted-up, at least twenty-four hours before the time fixed for the holding thereof."

Id., s. 97, re-
placed.

13. Section 97 of the said act is replaced by the following:

Fine on per-
son summon-
ed not appear-
ing, &c.

"**97.** If any one, so summoned before the council or the committees, fails, without just cause, to appear at the time and place mentioned in the summons, when compensation has been paid or offered to him for his reasonable traveling expenses for going and returning, and one dollar a day for his time, he shall incur a penalty of not less than four, nor more than ten dollars, or imprisonment not to exceed fifteen days."

Id., s. 174, re-
placed.

14. Section 174 of the said act is replaced by the following:

When petition
in contesta-
tion of by-law
to be present-
ed.

Certified copy
of by-law to
accompany
same.

If such copy
cannot be ob-
tained.

"**174.** The petition shall be presented within a delay of forty days from the date of the coming into force of the by-law, shall set forth, in a clear and precise manner, the reasons alleged in support of the demand, and shall be accompanied by a certified copy of the by-law impugned, if such copy could be obtained.

If such copy could not be obtained, the court or judge, upon application being made to that effect, shall order the production thereof by the secretary-treasurer of the council or by any person who may be the depositary of such by-law."

Id., s. 175, re-
placed.

15. Section 175 of the said act is replaced by the following:

"**175.** The petition shall be served at the office of the council, eight days at least before it is presented to the court or judge." Service of petition.

16. The following section is added after section 177 of the said act : Sec. added after id., s. 177.

"**177a.** The sureties must be proprietors of real estate in the town of the value of at least two hundred dollars, over and above all charges thereon, according to the valuation roll then in force." Qualification of sureties.

17. The following section is added after section 241 of the said act : Sec. added after id., s. 241.

"**241a.** To grant to any person or company incorporated for the purpose of working telephone lines, electric light or tramways, or other industries requiring to use the streets, squares or public places, the right to use such streets, squares or public places for their industries." Use of streets may be allowed to certain companies for their industries.

18. The heading "*1. Water supply,*" preceding section 265 of the said act, is replaced by the following : Heading before id., s. 265, replaced.

"*1. Water supply and lighting of the town.*"

19. The following section is added after section 265 of the said act : Sec. added after id., s. 265.

"**265a.** The council may also, from time to time, by observing the same formalities, make, repeal or amend by-laws providing for the establishment and maintenance of a system of sewers." Power to make, &c., by-laws for sewers.

20. Section 269 of the said act is amended by adding thereto the following clause : Id., s. 269, amended.

"This section shall apply to the maintenance and construction of sewers." Section applies to sewers, &c.

21. Section 271 of the said act shall be transposed before section 270 and shall bear the said number 270. Transposition of sections.

22. Section 270 of the said act is replaced by the following : Id., s. 270, replaced.

"**271.** It shall be lawful for the said town council to transfer, by a by-law to that effect, its rights and powers concerning the supply of water and lighting of the town, to any person or company who shall consent to take charge thereof; provided that such person or company shall not exceed the rates to be levied upon the persons bound to take the said Powers as to lighting and water supply may be transferred to a company. Proviso.

water, which the said town council shall fix by the same by-law; and provided that such by-law shall be approved by a majority, in number and in value, of the proprietors of real estate subject to taxation who shall have voted."

Sec. added
after id., s.
271.

23. The following section is added after section 271 of the said act, as amended by section 22 of this act :

Issue of de-
bentures for
certain works.

"**271a.** For the execution of the works mentioned in sections 265 to 270, inclusively, it shall be lawful for the town to issue debentures, to an amount not exceeding one hundred and twenty-five thousand dollars, by complying with the provisions of sections 284 and following."

Id., s. 275, re-
placed.

24. Section 275 of the said act is replaced by the following :

Appropriation of land
for certain
purposes.

"**275.** The council may, by complying with the following provisions, appropriate any land, in the town, required for the execution of works ordered by it, within the scope of its jurisdiction, and in accordance with the following provisions."

Id., s. 282, re-
placed.

25. Section 282 of the said act is replaced by the following :

Effecting of
loans author-
ized.

"**282.** It shall be lawful for the town council, from time to time, to borrow divers sums of money for effecting improvements in the town, or for the purpose of building one or more market-houses, a town-hall, and other public buildings, or for draining the streets, or for constructing one or more aqueducts, one or more systems of sewerage, and for lighting the town, and, finally, for such purposes, within the limits of its powers, as the council shall deem useful or necessary.

Payment of
interest and
of capital to
be provided
for.

Provided that, whenever the council shall contract a loan, it shall at once take steps to provide, out of the revenues of the corporation of the town, for the payment of the yearly interest and equal annual instalments of the principal of the debt on the annuity plan.

Total amount
of debts to be
limited.

Nevertheless, the total amount of the debts, with which the revenue arising from the taxes shall be charged, shall not exceed the sum of one hundred thousand dollars, save and except the case provided for by section 271a."

Id., s. 286, re-
placed.

26. Section 286 of the said act is replaced by the following :

How loans to
be effected.

"**286.** The loans made by the town, by the issue of debentures or otherwise, shall only be effected upon a by-law of the council to that effect, approved by the majority in number and in value of the electors who are proprietors in the town, who shall have voted.

There shall be imposed, by every by-law authorizing a loan under this section, a special annual tax sufficient to pay the interest for each year and at least one per cent. per annum to create a sinking fund.”

Annual tax to be levied for interest and one per cent. in addition.

27. Subsections 3 and 4 of section 312 of the said act are replaced by the following:

Id., s. 312, §§3 and 4, replaced.

“3. On each tenant paying rent in the town, an annual sum not exceeding five cents in the dollar on the total amount of his rent, and on each occupant a sum not exceeding ten cents in the dollar on the annual value of his occupation ;

Tax on tenants.

4. On every male inhabitant of twenty-one years and over, residing in the town for a period of six months or more and not otherwise taxed, who is neither proprietor, tenant, apprentice nor servant, a sum not exceeding one dollar.”

Capitation tax.

28. The following subsection is added after subsection 8 of the said section 312 :

Par. added after id., s. 312, §8.

“8a. On every bicycle, a sum not exceeding two dollars.”

Tax on bicycles.

29. Section 313 of the said act is amended by striking out the words “bakers, butchers,” “carters, livery-stable keepers,” in the twelfth and thirteenth lines.

Id., s. 313, amended.

30. Section 314 of the said act is replaced by the following :

Id., s. 314, replaced.

“**314.** The council may, by by-law, compel all butchers, bakers, carters, common carriers and livery-stable keepers, residing in the town, to take out a license to ply their trade before commencing to ply the same, and may exact for the granting of any such license a sum not exceeding twenty-five dollars for each butcher or baker, and a sum not exceeding ten dollars per horse for every carter, common carrier or livery-stable keeper. Each license shall be for one year only, and shall, in every case, expire on the thirtieth of April following its issue.”

Licenses for butchers, &c.

Duration of license.

31. Section 315 of the said act is replaced by the following :

Id., s. 315, replaced.

“**315.** The council shall also have power to make by-laws to compel all insurance agents, pedlars and itinerant traders selling by public auction or by private sale, all traders, all auctioneers, livery-stable keepers, carters, butchers or bakers, residing outside of the town, who shall come therein to ply their art, trade or commerce, to take out a license and to exact for the granting of each such license a sum not exceeding fifty dollars ; and a sum not exceeding

License for insurance agents, &c.

Penalty for not taking out such license. one hundred dollars on all proprietors, managers or agents of theatres, circuses or other public games or amusements, also residing outside the town; and, in default of taking out such license, all such persons shall be liable to a fine of not more than one hundred dollars, and, in default of payment of such fine and costs, to an imprisonment not exceeding two months.

Duration of license. Such license, signed by the secretary-treasurer, shall confer upon the holder thereof the right of plying his art, trade or commerce during one year, from the first of May in each year."

Id., s. 317, replaced. **32.** Section 317 of the said act is replaced by the following:

Tax on certain professional and other persons. **"317.** Every person in the said town, practising the profession of advocate, physician, dentist, land-surveyor, notary, or any other liberal profession, or acting as a civil officer appointed by the local government, or as clerk of the Superior Court of this Province, or as clerk of the Circuit Court, or sheriff, and every person employed in the service of another, and whose salary is five hundred dollars or over, shall, for the same purposes, be assessed, for every such profession or employment, at a sum not exceeding five dollars annually.

Roll of such persons to be made. The said town council may order the assessors to make the roll of the persons, industries, companies, employments, capacity and moveable property mentioned in the different parts of this section."

Sec. added after id., s. 374. **33.** The following section is added after section 374 of the said act:

Proceedings before Circuit Court to recover fines to be summary. **"74a.** The proceedings in the Circuit Court for the recovery of such fines shall be the same as in cases between lessors and lessees, as laid down in articles 887 to 889a, inclusively, of the Code of Civil Procedure."

Id., §1 of s. 380, replaced. **34.** The first clause of section 380 of the said act is replaced by the following:

Imprisonment in default of payment of fine. **"380.** In default of payment of the fine inflicted by the court and the costs within the delay fixed by the court or judge, the person condemned may be imprisoned for any time not exceeding two months, which imprisonment shall end, however, on payment of the sum due."

Id., s. 384, replaced. **35.** Section 384 of the said act is replaced by the following:

Complaints by constable need not be in **"384.** In all cases of arrest on view or on information by a constable of the town, for an offence against the pro-

visions of this act or of a by-law, it shall not be necessary to reduce the complaint to writing ; but the complaint on oath, before the judge or the court, by the constable who made the arrest, shall be deemed a sufficient complaint.

writing in certain cases.

If the defendant asks that the complaint be taken down in writing, the court shall order the clerk to reduce it to writing."

If defendant requires written complaint.

36. Section 387 of the said act is replaced by the following :

Id., s. 387, replaced.

"**387.** The judgment of the court shall be executory in the delays fixed by the court or judge, or if no delay has been so fixed, fifteen days after the date thereof."

When judgment is executory.

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

Coming into force.

C A P. L I V .

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

[Assented to 21st December, 1895.]

WHEREAS the council of the town of Westmount has, by petition, represented that, in the interest of the said town, it is necessary to define and increase the powers conferred on it by its charter, 56 Victoria, chapter 54, and it is expedient to grant the prayer of the said petition ;

Preamble.

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

1. Article 14 of the act 58 Victoria, chapter 54, is replaced by the following :

58 V., c. 54, art. 14, replaced.

"**14.** The council shall have power, from time to time, to make, amend, repeal and enforce all by-laws, rules and regulations necessary for the general maintenance and management of the gas-works, the conduct of the officers and other persons employed ; and any one infringing the provisions of any such by-law shall be liable to a penalty payable to the corporation not exceeding twenty dollars and costs, and, in default of immediate payment, to imprisonment not exceeding thirty days."

By-law, &c., for gas-works

Penalty for infringement.

2. Article 16 of the said act 58 Victoria, chapter 54, is replaced by the following :

58 V., c. 54, art. 16, replaced.

"**16.** The council may, in its discretion, provide for the lighting of the town by means of electricity, and, in the

Council may provide for lighting town by electricity, &c.