

elector), that you are of the full age of twenty-one years, that you are a British subject, that you have not already voted at this election, and that you have not received anything, neither has anything been offered or promised, either directly or indirectly, to you or to your wife, or to any member of your family, to induce you to vote at this election. So help you God.

CAP. LVI.

An Act to amend the act 51-52 Victoria, chapter 90, incorporating the town of Coaticook.

[Assented to 21st December, 1895.]

WHEREAS the council of the town of Coaticook has, by Preamble, petition, represented that it is necessary to amend the charter of the said town and confer upon it more ample powers; and whereas it is expedient to grant the prayer of the said petition;

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

1. Article 4208 of the Revised Statutes is replaced, as regards the town, as follows: R. S., 4208, replaced for town.

He is bound to read to the council, in session, all circulars or communications addressed to himself or to the council by the Lieutenant-Governor or by the Provincial Secretary, and, if it be required by the council or by the Lieutenant-Governor, to make them public in the municipality in the manner required for public notices. Reads all circulars from Lieutenant-Governor, &c.

He shall be *ex-officio* member of all committees and chairman of the finance committee. Member of all committees and chairman of finance.

2. Article 4216 of the said Revised Statutes is replaced, as regards the town, as follows: R. S., 4216, replaced for town.

No person can be elected mayor or councillor, or fill either of these offices, unless: Qualification of mayor and councillors.

1. He be of the male sex, of full age, and a subject of Her Majesty;

2. He can read and write;

3. He has had his domicile or place of business within the limits of the town during the year preceding the election;

4. He has possessed therein, for at least twelve months, as proprietor, in his own name or in that of his wife, real estate of the value of twelve hundred dollars, over and above all charges and hypothecs affecting the same, for the office of mayor, and six hundred dollars for that of councillor.

The value of the said real estate shall be determined by the valuation roll in force, and the charges and hypothecs affecting the same by the records of the Coaticook division registry office.

On a demand, in writing, made before the council by a member of such council or by a rate-payer, to any councillor present, such councillor shall, within eight days, give, in writing and under oath, a declaration of qualification, containing the description of the real estate on which he bases his qualification and deposit it in the office of the council,—which said demand shall not be repeated oftener than once in twelve months.

51-52 V., c. 90,
s. 6, replaced.

3. Section 6 of the act 51-52 Victoria, chapter 90, is replaced, as follows :

Annual nomi-
nation of
councillors
where and
when to be
held.

“**6.** The meeting of the electors of the town, for the annual nomination of councillors under this act, shall be held in the town-hall, or at such other place as may be determined by the town council, on the second Monday in the month of January in each year, at ten o'clock in the forenoon, unless that day is a non-juridical day, in which case such nomination shall be held on the next following juridical day, at the same hour.

Appointment
of presiding-
officers.

The council, previous to the nomination day, shall appoint a presiding-officer to conduct the nomination, and a presiding-officer for each ward to act in the event of a poll being granted for such ward. In the absence of any such presiding-officer, the meeting shall be presided over by some person at such meeting chosen by the majority of the electors present.”

Absence of
such officer
provided for.

51-52 V., c. 90,
s. 7, replaced.

4. Section 7 of the said act 51-52 Victoria, chapter 90, is replaced, as follows :

Notice of nomi-
nation and of
polling.

“**7.** Public notice specifying the day, hour and place of such nomination, and of such polling, in the event of polls being granted, shall be given at least eight days previous to the day of nomination by the secretary-treasurer.”

R. S., 4240, re-
placed for
town, and 51-
52 V., c. 90, s.
9, replaced.

5. Article 4240 of the said Revised Statutes is repealed, as regards the town, and section 9 of the act 51-52 Victoria, chapter 90, is replaced by the following :

Polls for elec-
tion of coun-
cillors.

“**9.** If, one hour after the opening of the meeting, there have been nominated for the office of councillors in one or more wards, more persons than there are councillors to be elected therefor, it is the duty of the officer presiding over the election to grant a poll for such ward, which poll shall be held on the Monday following the nomination day, unless such Monday is a non-juridical day, in which case the poll shall be held on the next following juridical day.

Nevertheless, if, at any time after the votes have commenced to be polled, one hour elapses without any votes having been polled, the presiding officer must close the election, unless notice under oath is given him that an elector has been, within the hour last past, prevented from approaching the poll by violence, in which case the election shall not be closed until an hour after such violence has ceased."

Closing of
polls, if no
votes polled
for an hour.

6. Article 4250 of the said Revised Statutes is replaced, as regards the town, as follows :

R. S., 4250,
replaced for
town.

The officer presiding over each poll or his clerk may, and shall, on the requisition of any candidate, his representative, or any elector, cause any person, who presents himself for the purpose of voting, to take the following oath or affirmation :

Oath to be
submitted to
electors.

You swear (*or affirm*) :

That you are a subject of Her Majesty ;

That you are the person whose name is entered on the valuation roll (*or on the list of electors now shown to you, if there be a list of municipal electors*) ;

That you are entitled to vote at this election ;

That all your municipal and school assessments, taxes and dues exigible are paid :

That you have received nothing and have been promised nothing, either directly or indirectly, to vote at this election, and

That you have not already voted at this election of mayor (*or councillors of the ward, as the case may be.*)

So help you God.

7. Article 4300 of the said Revised Statutes is replaced, as regards the town, as follows :

R. S., 4300,
replaced for
town.

Every disputed question is decided by a majority of the votes of the members present, except in cases when the votes of two-thirds of the members of the council or of the members present are required.

Decision of
disputed ques-
tions.

The mayor, pro-mayor, or other presiding-officer, may give his opinion, but shall not vote except in the case of equal division of votes.

Presiding-of-
ficer to give
opinion but
not to vote.

In case of an equal division of votes, the presiding-officer is always bound to give the casting vote, giving his reasons therefor, if he so pleases.

Exception.

8. Article 4305 of the said Revised Statutes is amended, as regards the town, by striking out the last paragraph thereof.

R. S., 4305,
amended for
town.

9. Article 4398 of the said Revised Statutes is replaced, as regards the town, as follows :

R. S., 4398,
replaced for
town.

Powers of council as to by-laws and resolutions.

The council has the right to make, amend, repeal or replace, in whole or in part, from time to time, by-laws or resolutions which refer to itself, its officers or the municipality, upon any of the following subjects :

R. S., 4404, replaced for town.

10. Article 4404 of the said Revised Statutes is replaced, as regards the town, as follows :

Assisting persons to carry on business in town.

To assist one or more persons, commercial firms or joint-stock companies, already founded or projected, who carry on or intend to carry on any business within the town, by lending money or granting bonuses, by subsidies in money or real estate, by taking and subscribing for shares, or by guaranteeing, by endorsation or otherwise, money borrowed, the whole on such conditions and security as it may deem expedient.

R. S., 4408, amended for town.

11. Article 4408 of the said Revised Statutes is amended, as regards the town, by adding thereto the following :

Prevent sale of certain articles, &c., outside of markets.

To prevent all persons, whether residing in or out of the municipality, from cutting up for sale or weighing out or delivering any fresh fish or meat, whether beef, mutton, lamb, veal, pork, or salt beef, or from exposing the same for sale in the municipality, elsewhere than upon the said markets and in the butchers' stalls thereof. But the council may, at its discretion, allow the sale and delivery of such meats elsewhere than upon such markets, by butchers, farmers and others.

Exception.

The council shall have the same right to restrict the sale of fruits and vegetables to the public markets, and the above article shall apply *mutatis mutandis*.

51-52 V., c. 90, s. 12, replaced.

12. Section 12 of the act 51-52 Victoria, chapter 90, is replaced by the following :

Imposition of annual duties or taxes :

“ **12.** It shall also be lawful for the council to regulate by by-law and to impose and levy certain annual duties or taxes, to an amount not exceeding fifty dollars, in each of the following cases, viz :

Upon proprietors of theatres, &c.;

1. Upon all proprietors, possessors, agents, managers and keepers of theatres, menageries, circuses and travelling shows, and merry-go-rounds, of billiard saloons, ten-pin alleys and other places for games and amusements, of houses of public entertainment, taverns, coffee houses and eating houses in the town ;

On retailers of spirituous liquors, &c.;

2. On retailers of spirituous liquors, auctioneers, bailiffs, barbers, bakers, grocers, butchers, hawkers, hucksters, carters and livery-stable keepers in the said town, or proprietors or keepers of wood- and coal-yards, tanneries and slaughter houses therein ;

3. On money changers, exchange brokers, pawn-brokers and their agents, mercantile clerks and book-keepers, bankers and clerks, and agents of bankers and banks, insurance and telegraph companies or their agents in the town, proprietors and occupants of mills moved by steam or water-power, express companies, bottlers and wholesale dealers in spirituous liquors therein ;

On money
changers, &c.;

4. On all commerce, trades, arts and manufactures generally which have been and may be introduced into or exercised in the town, although not mentioned herein.

On all com-
merce, &c.

It shall be lawful for the council to levy an annual tax on each telegraph, telephone and electric light pole in the municipality and on the wires attached thereto ; provided that the said tax does not exceed fifty cents per pole, and one per cent. of the value of the wires attached thereto. Such tax shall be collectable annually from the proprietors thereof."

Annual tax
upon tele-
graph, &c.,
polls.

13. Section 13 of the act 51-52 Victoria, chapter 90, is replaced by the following :

51-52 V., c. 90,
s. 13, replac-
ed.

"**13.** It shall also be lawful for the said town council to impose and levy an annual tax, upon every person practising in the town the profession of advocate, physician, notary, dentist, land-surveyor, or veterinary surgeon or any other liberal profession, and upon provincial civil servants or employees therein, not exceeding eight dollars per annum."

Tax on profes-
sional men.

14. Article 4452 of the said Revised Statutes is replaced, as regards the town, as follows :

R. S., 4452,
replaced for
town.

To raise, by assessment, money sufficient to make or repair one or more common sewers in any street of the town, from all the owners of lands situate in such street ; to determine the mode of making such sewers, and the manner of collecting such taxes, or have such work done in whole or in part at the expense of the corporation. The council shall regulate the materials to be used in and the manner of making private drains connecting with sewers.

Assessment
for sewers.

Materials, &c.,
for sewers.

15. Article 4556 of the said Revised Statutes is replaced, as regards the town, as follows :

R. S., 4556,
replaced for
town.

The payment of municipal taxes may also be claimed by an action brought, in the name of the corporation, before the Magistrates' Court, or the Circuit Court for the county or district, or before the mayor or two or more councillors acting *ex-officio* as justices of the peace, or before the Commissioners' Court for the town, provided that in the latter case the amount claimed does not exceed twenty-five dollars.

Taxes may be
recovered by
suit before
certain courts.

R. S., 4560,
replaced for
town.
Imposition of
punishment
for breach of
by-laws.
Proviso.

16. Article 4560 of the said Revised Statutes is replaced, as regards the town, as follows :

The council may, in any by-law made under the provisions of this chapter or of the charter, enact the imposition of punishment, by fine or imprisonment, for enforcing any such by-law, provided that the fine do not exceed one hundred dollars, and that the imprisonment be for a period not exceeding three months, in the discretion of the court.

When to be
ordered by the
court.

Such penalties cannot be ordered by the court, unless they are enacted by any such by-law.

R. S., 4590,
replaced for
town.
Imprisonment
in default of
payment.

17. Article 4590 of the said Revised Statutes is replaced, as regards the town, as follows :

In default of payment of the fine imposed by the court, and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding three months, which imprisonment, however, ceases on payment of the sum due.

Effect of im-
prisonment.

Such imprisonment discharges the person who undergoes it from the obligation of satisfying the judgment against him.

51-52 V., c. 90,
s. 18, replac-
ed.

18. Section 18 of the act 51-52 Victoria, chapter 90, is replaced by the following :

Further power
of council to
make, &c.,
by-laws, &c.

"18. The council of the town shall also have the right to make, amend, repeal or replace by-laws or resolutions for the following purposes :

Prohibiting
trotting, &c.

1. To forbid trotting or running on bridges or in the public streets faster than a given rate ;

Prohibiting
pipes, &c., on
roofs, &c.

2. To prohibit pipes on roofs, and to determine in certain cases of what materials roofs shall be made ;

Regulating
wood-yards,
&c.

3. To regulate wood- and coal-yards and provide for the measurement of wood and coal ;

Suppressing
games of
skill, &c.

4. To suppress games of skill, or hazard, or to allow them under license ; and to restrain, regulate or prohibit the keeping of public billiard saloons, pigeon-hole tables and such like therein ;

Regulating
construction
of privies, &c.

5. To regulate the construction of privies, cellars, drains, ovens and the steam engines of any factory or workshop ;

Preventing
sweepings,
&c., from be-
ing deposited
in streets, &c.

6. To prevent sweepings, filth or dirt being thrown in the streets, ditches, water-courses or on the sidewalks, and to order the removal of the same ;

Indicating
where ice may
be cut.

7. To indicate the place or places where alone ice may be cut and taken in the Coaticook river ;

Regulating
boundary
fences, &c.

8. To regulate the manner of constructing fences between neighbors and the kind to be constructed ;

9. To regulate awnings, signs, sign-boards, show-bills or show-boards ; Regulating awnings, &c.

10. To regulate the placing of telegraph, electric light or other like posts to be erected, and order them to be painted ; to regulate the hanging and attaching of wires and all other apparatus thereon, and order, if necessary, that wires in certain places be laid underground so as not to obstruct streets and highways ; Ordering and regulating placing of telegraph, &c., posts.

11. To fix and determine the alignment for buildings and streets." Fixing alignment of buildings, &c.

19. The following section is added after section 15 of the act 51-52 Victoria, chapter 90 : Sec. added after 51-52 V., c. 90, s. 15.

"15*a*. Every person who, during the fiscal year, but after the collection roll has been prepared, carries on or practises any kind of business or occupation which renders him liable to a tax, may be entered upon the valuation and collection rolls, by resolution of the council, and must pay a portion of the tax *pro rata* with the unexpired portion of the year, in the same manner as if entered when making the said rolls." *Pro rata* portion of tax to be paid by persons commencing business after roll made.

20. No action, suit or proceeding for damages or indemnity shall be instituted against the town or against any person, after six months from the date at which the cause of action originated ; and no such action, suit or proceedings shall be brought unless and until a previous notice of thirty days, specifying the nature and amount of the demand, has been given. Limitation of actions of damages. Notice to be given.

21. All the powers, conferred by the Municipal Code and the amendments thereto upon any municipal council and upon the councillors and officers of such council, not inconsistent with the charter of the town as amended by this act, shall apply *mutatis mutandis* to the corporation of the town, to the municipal council and to the councillors and officers of the said corporation. And whenever the said charter or the provisions of the Revised Statutes respecting town corporations are silent, all provisions of the said Code and its amendments shall apply and be law in relation to all municipal matters in the said town, and to all matters and things provided for in the said Code. Provisions of Municipal Code apply to town when not inconsistent. Municipal Code to govern on matters not provided by charter, &c.

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