

hypothecs which may exist up to the time of the coming into force of such new plan and book of reference, upon the lots or parts of lots which have been so changed.

Designation  
of lots  
changed.

**468.** Whenever a change, subdivision or redivision has been made in virtue of the above provisions, the particular number and designation given to each lot upon the new plan and book of reference shall be the true description of such lot, which shall be sufficient as such in any document whatever; and the provisions of article 2168 of the Civil Code shall apply to such lot.

Change to be  
noted in  
index.

**469.** As soon as any said above mentioned plan and book of reference shall be deposited with him, the registrar shall note in the index to immoveables, under the number of the original lot, or of the subdivision or redivision, the fact that such lot has been changed, subdivided or redivided, in whole or in part, as the case may be.

Costs by  
whom to be  
paid.

**470.** The costs incurred by such changes shall be paid by the town and may be recovered from the proprietors interested in the same manner and with the same privileges as municipal dues, unless the council shall have declared, by a resolution, that such costs or any part thereof be borne by the town, as may have been agreed between the corporation and the proprietors interested.

Lists for elec-  
tions of 1894.

**471.** The annual elections for the year eighteen hundred and ninety-four shall be held upon the electoral lists now in force in the town.

Coming into  
force.

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

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## CAP. LXIV.

An Act to incorporate the town of Côte Saint Paul.

[Assented to 8th January, 1894.]

Preamble.

**W**HEREAS the corporation of the village of Côte Saint Paul has, by petition, prayed to be incorporated as a town, in accordance with the provisions of chapter first of title eleventh of the Revised Statutes;

Whereas it is in the interest of the rate-payers of the said village that such prayer be granted;

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

## TITLE I.

### ORGANIZATION OF THE CORPORATION.

#### SECTION I.

##### INCORPORATION OF THE TOWN.

**1.** The territory comprised within the present limits of the village of Côte Saint Paul, is erected into a town municipality, under the name of "the town of Côte Saint Paul," and the inhabitants of the said village are constituted a town corporation, under the name of "the corporation of the town of Côte Saint Paul."

Town incorporated.

Name of town.

Name of corporation.

**2.** The corporation of the town of Côte Saint Paul is governed by the provisions of the law respecting town corporations contained in chapter first of title eleventh of the Revised Statutes, except where specially derogated from by this act or by inconsistent provisions which it may contain.

Laws to govern.

**3.** All *procès-verbaux*, assessment rolls, titles, accounts, dues, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, undertakings, and all municipal acts whatsoever, passed and agreed to by the council of the said village, shall continue to have their full effect until they are cancelled, amended, resiliated or accomplished.

Existing procès-verbaux, &c.

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

Notes, &c., to have their legal effect.

**5.** The corporation of the town of Côte Saint Paul, hereby constituted, succeeds to all the rights and obligations of the corporation of the village of Côte Saint Paul.

Corporation to succeed to that of village.

**6.** The municipality of the town of Côte Saint Paul may annex itself to the city of Montreal, and such annexation shall be effected in the manner prescribed by the charter of the city of Montreal.

Town may annex to city of Montreal.

## SECTION II.

## COUNCIL OF THE CORPORATION.

Council substituted to that of village. **7.** The council of the town, as hereby constituted, is substituted for the council of the said village, and succeeds to it in all its rights, powers, privileges and obligations.

Present officers continued in office. **8.** The present municipal officers and employees of the said village shall remain in office as officers and employees of the town until dismissed or replaced by the council.

Composition of council. **9.** The municipal council of the town shall consist of a mayor and six councillors.

Election of mayor. **10.** The mayor shall be chosen from amongst the councillors, and elected by them at the first general or special meeting of the council held after the general elections of the said councillors.

Certain articles of R. S. not to apply, in so far as election of mayor is concerned. **11.** Articles 4231, 4236, 4241, 4244, 4245, 4246, 4247 and 4248 of the Revised Statutes shall not apply to the town hereby constituted, in so far as they relate to the election of the mayor only, and article 4234 of the said Statutes is replaced, for the town, by the following :

Hour and place of meeting. The meeting of municipal electors for the nomination of councillors is held at the town-hall, and is opened from nine in the morning of the day specified for that purpose to five in the afternoon.

Duration in office of councillors. Present councillors. **12.** The councillors are elected for three years.

**13.** The councillors now in office as councillors of the said village shall remain in office as councillors of the town, and shall be replaced at the expiration of their term of office in the manner hereinafter indicated.

Replacing of councillors. **14.** At the first general election mentioned in article 18, the two councillors whose term of office shall expire, shall be replaced in the manner provided by this act ; two others shall be replaced at the same date in the following year, and the three others in the following year, and so on, so that two shall be elected two years, consecutively, and three, the following year.

Elections to be by ballot. **15.** The elections for councillors of the town, both general and partial, shall be by ballot, and the principle of the Quebec Election Act, as contained in articles numbered

from 292 to 416 of the Revised Statutes, inclusive, together with the forms referred to therein, save and except the articles numbered 362, 372, question No. 2 of article 318, and the form of oath to electors in article 318, which shall be in the form A of this act,—shall, *mutatis mutandis*, apply to such elections, and shall govern the same, and all matters relating thereto not expressly provided for by this act.

The council shall, however, have power, by by-laws, duly made from time to time, to alter the details of the procedure in the conduct of the election, and in the taking of the ballots, provided that in so doing they do not make provisions conflicting with the provisions of the said articles.

**16.** The council may also embody in such by-laws any amendments to such articles that may be hereafter passed by the legislature; and, in all questions arising in respect of elections under this act, the said articles amended, altered or added to, as aforesaid, shall be read as forming part of this act.

In applying the said articles to elections to be held under this act, the words “returning officer,” in any of such articles, shall mean the officer presiding at the election; the words “deputy returning officer,” shall mean the deputy presiding officer or person having charge of any poll, and the words “Clerk of the Crown in Chancery,” shall mean the secretary-treasurer of the town.

**17.** The quorum of the council shall be four members.

**18.** The first general election of the council of the town shall be held as follows:

The nomination of candidates shall take place on the second Monday of the month of January\* following the coming into force of this act, at the hour of ten in the forenoon, and, if a poll is necessary, such poll shall be held on the third Monday of the said month of January.

The mayor in office shall preside at such first election.

**19.** Article 4300 of the said Revised Statutes is replaced, for the town, by the following:

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

The mayor or presiding officer may give his opinion, but must not vote except in the case of an equal division of votes.

\*Amended by section 3 of chapter 69 of these Statutes.

Casting 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 deems it advisable.

## TITLE II.

### POWERS OF THE COUNCIL.

- R. S., art. 4414, replaced for town. Fee for certificate to obtain license
- 20.** Article 4414 of the Revised Statutes is replaced, for the town, by the following :
- To fix a sum, not exceeding one hundred dollars, payable for the granting of each certificate to obtain a license authorizing the sale of spirituous, vinous, alcoholic or intoxicating liquors.
- Powers by by-law to :
- 21.** The town council may, by by-law, exercise the following powers :
- Limit, &c., abattoirs ;
1. Limit the number of public or private abattoirs in the town or prohibit them entirely ;
- Order cartage of injurious matters, &c., through certain streets, &c. ;
2. Order that the carting of all matters which are dangerous or injurious to public health or safety be done at certain hours of the night and through certain streets of the town ;
- Prevent erection of stables, &c., in certain places ;
3. Prevent stables, sheds, closets or similar buildings from being erected on any lot in the town at a distance of less than thirty feet from the street, and, on indemnifying the proprietors thereof, cause all existing buildings to be removed, if they be not erected at such distance ;
- Prevent dealers in oil, &c., from carrying on business without license, &c. ;
4. 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 ;
- Compel wood-yard keeper to take license, &c. ;
5. Compel every person, desirous of keeping a wood-yard in the town, to previously obtain a license or permit from the council, and also determine under what conditions such license or permit shall be granted, for the prevention of fire or for any other reason ; and determine how such wood-yard shall be kept and fenced in, and to what height wood may be piled, both by owners of wood-yards and by any other person in the town ;
- Regulate, &c., unhealthy, &c., factories, &c. ;
6. Regulate or prohibit the erection, use or working, in the town, of unhealthy, unwholesome, dangerous, or obnoxious factories or establishments, which might injure public health, and, especially, soap and candle factories, and other factories of a like nature, wherein the rendering of tallow is carried on, lime-kilns, bone-boiling or bone-burning establishments, or oil-cake factory, india rubber or oil-cloth factory, dyeing establishment, slaughter-

house, butchery, piggery, tannery, brewery, distillery, gas, works, blue, glue or varnish factory, petroleum or coal-oil refinery or warehouse, roofing composition factory, fire-works' factory, friction-matches' factory, chemical works, alcohol rectifying establishment, and all other factories and workshops of any kind whatsoever, the working of which might endanger the public health or safety, either through danger of fire or owing to the smoke and emanations from such establishments ;

7. Prohibit, in the interest of public health and in that of private individuals, any person from allowing the emanation of unwholesome odours from such manufactories or shops ;

8. Determine the line of buildings in the streets, roads and avenues, and the mode to be followed and the materials 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 such building responsible for any contravention of such by-laws ;

9. Determine the height of chimneys and order gratings to be put on them.

10. Expropriate, in the manner determined by law, the buildings and grounds on which are now erected buildings or houses not in accordance with the conditions required by the by-laws which may be made under paragraph 8.

11. Determine the site, and regulate the erection, use or employment in the town of steam engines or machinery, or factories, of a nature to vitiate the air or incommode the neighborhood by smell or smoke, or shops or establishments in which work is done or processes are carried on which expose, endanger, or are calculated to endanger public health or safety, of which the council shall be the judge ; permit the erection, use or employment thereof, under such restrictions and conditions as the council may deem necessary ; provide for the inspection of steam engines and factories of the nature aforesaid, and impose and levy a fee for that purpose upon the owners of such steam engines and factories.

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

13. Take all possible means to protect the citizens in the streets and public squares, at railway stations and passenger steamboat wharves ;

For that purpose, the council may compel all railway companies to make, construct and maintain, at all hours of the day or night, such gates, fences or other works as may be deemed necessary for the protection of the citizens,

Prevent unwholesome odours, &c.;

Determine line of streets, &c.;

Determine height of chimneys ;

Expropriate buildings on line of streets ;

Determine site, &c., of steam engines and factories, &c.;

Regulate the width of tires of drays, &c. ;

Protect citizens at railway stations, &c.

Order gates to be placed at railway crossings, &c. ;

vehicles and animals, passing through such streets or public places; and all such companies shall be liable to such penalty as the council may impose;

Prevent obstruction of streets by cars, &c.

14. Prevent the obstruction of the streets by cars, or trains of cars, locomotives or other engines; and impose, either on the servants of the railway company, or on the company itself, a fine for each infringement of the by-laws passed for that purpose;

R. S., art. 4453, replaced for town.

15. Article 4453 of the Revised Statutes is replaced, for the town, by the following :

Require drainage of stagnant waters, &c. ;

Compel every owner or occupant of land in the town, on which there is stagnant water, to drain or raise the same in such manner that the neighbors be not incommoded or the public health injuriously affected ;

Proviso if owner be unknown, &c.

If the owner of such land be unknown and have no representative in the town, or if he be too poor to drain or raise the same, (or if he do not perform the required work within the delay established by the by-law), the council may order the drainage or elevation of such land at the expense of the corporation, saving recourse against the owner or occupant.

R. S., art. 4476, replaced for town. Establish public pounds;

16. Article 4476 of the Revised Statutes is replaced, for the town, by the following :

Establish one or more public pounds for animals of all kinds wandering or found in the town in contravention of the by-laws to that effect, and make a tariff of the fines and dues payable to such public pounds ;

Order impounding of animal, if straying ;

Order that all animals found wandering or grazing under the care of a keeper on the public streets, roads, beaches, public places or unfenced grounds whatsoever shall be taken to the public pound or impounded elsewhere; impose a fine on the owner of every animal found wandering without its being necessary to take it to the pound, and authorize the sale thereof for the penalty incurred and the costs of the proceedings and detention in the manner determined by the council ;

Regulate awnings, &c. ;

17. Regulate the manner in which awnings shall be put up and compel the owners to remove them ;

Order removal of flags, &c. ;

18. Order the removal of all flags, signs or other objects used as such, encroaching on the public streets or suspended or placed in such manner as to be dangerous to foot passengers ;

Prohibit transport of houses through streets ;

19. 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 such stipulations respecting damages as may be agreed upon ;

Prevent re-building of houses encroaching on streets, &c. ;

20. Prevent every proprietor from re-building a demolished house on the site which it occupied beyond the line of a street or public place, provided that within a year the

council shall adopt measures in expropriation for acquiring the portion of the lot encroaching on the street ;

The council may, with the view of widening the street, purchase the portion of the lot encroaching on such street, or compel the proprietor to abandon it in consideration of sufficient indemnity. Power to purchase property to widen streets ;

21. Regulate the laying of telephone or telegraph wires in the town, and the quality of the posts, and order them to be painted ; order, if necessary, that the wires be laid underground, in certain places, so as not to obstruct the streets, as soon as the corporation has provided suitable conduits ; Regulate laying of telephone wires, &c. ;

22. Appoint a competent person to inspect meat and milk sold or offered for sale in the town, and 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 meat inspector, &c. ;

23. Impose a fine, and imprisonment in default of payment of the fine, 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 penalty for selling unwholesome meat, &c. ;

24. In the interest of public health, determine where ice may be taken ; Determine where ice may be taken ;

25. Compel or regulate the filling up, draining or clearing, of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies, and 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 in default of the proprietors ; Compel filling up of grounds ; Assessment to pay costs if performed by town ;

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. Lien for such costs.

26. Article 4452 of the Revised Statutes is replaced, for the town, by the following : R. S., art. 4452, replaced for town.

Organize a system of sewers for the town ; assess proprietors or occupants of immovable property to defray the cost of making any common sewer in any street, in which such proprietors own property, including connections between such common sewer and the private drains of such proprietors ; and regulate the mode in which such assessment shall be made, either by frontage of said property or otherwise, and the manner of levying such assessment, so that the cost of constructing and repairing the same be borne and paid by an assessment levied on the proprietors who benefit thereby ; Organize system of sewerage and assess proprietors therefor, &c. ;

27. Regulate the time when private drains shall be made, as also the manner and material with which the same shall be constructed, the corporation making the main sewer, the owners or occupants shall be bound to make Regulate connection of private with public drains ;

and establish connections at their own cost, under the superintendence of an officer appointed by the corporation ;

Authorize making of sewer, &c., on petition of proprietors, &c. ;

28. Whenever the majority in number of the real estate owners or occupants on any street or part of a street in the town apply, by petition addressed to the town council, to have a common sewer made, the road macadamized or planked, or any other improvements made in such street or part of a street, order all such improvements and regulate the mode of levying and collecting a sufficient assessment for paying the cost thereof on the parties interested in such improvement, or on the proprietors or occupants of lots opposite which such improvements are made ;

Proviso if property situate on one or more streets.

Whenever an immoveable is situate on two or more streets, or on one or more streets and a public square, the council, in adopting such by-law, shall decide what proportion or part of the said immoveable benefits by the particular improvement made in such streets and public square, and shall apportion, in consequence, the special tax or assessment to be levied on the said property by reason of such improvement ;

Construct street railway, &c., and lease same, &c. ;

29. Construct and operate a line of street railway through any part of the town, and lease the same for a period not exceeding thirty years, on such terms as the council may determine, and also grant aid to any line of omnibuses, tramways or other conveyances for the purpose of affording cheap and rapid communication between the town and the city of Montreal ;

Authorize laying of tramways in streets ;  
Fix number of passengers ;  
Make special arrangements with other municipalities for outlet for sewerage ;

30. Authorize and permit, on such conditions as the council may determine, the laying of tramways in the streets of the town, and regulate the number of passengers to be carried in each car or vehicle used by such railway ;

31. Make special agreements with the city of Montreal, or with any municipality or municipalities, to secure, for a determinate period, an outlet for the sewerage and drainage of the town, the compensation therefor to be determined either by amicable arrangement or by arbitration ; but, in the event of such outlet being refused, the town shall have the right to build a main sewer to conduct the sewerage and drainage to the nearest and most convenient point in the river St. Lawrence through any municipality or municipalities, by paying therefor such reasonable compensation as may be awarded by the arbitrators ;

Annex adjacent properties to town ;

32. Annex to the town any portion of an immoveable property situated in any adjacent municipality, provided that the council of any such municipality and the 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 council of the said municipality ;

33. 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 receives compensation, to be settled by arbitration ;

Close streets,  
&c. ;

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

Grant exemption to proprietors ceding streets, &c. ;

35. 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, 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 have such repairs made at the cost of the owner or owners, and recover the same from the latter ;

Compel owners of private streets open to public to repair same. &c. ;

36. Make all agreements with the trustees of turnpike roads, concerning roads maintained by them, and with corporations, concerning roads belonging to them, within the limits of the town, either by paying a sum annually, or by purchasing said roads or otherwise, on such terms and conditions as the council may determine ;

Make arrangements with turnpike trustees as to roads, &c. ;

37. With the permission of the Lieutenant-Governor in Council, obtained on petition to him addressed, order, in special and exceptional cases, that the width of roads and streets in the town be less than sixty-six feet ;

Order that certain streets be less than sixty-six feet wide ;

38. Raise, by special assessment or assessments, money sufficient to open, widen, prolong, alter, macadamize, grade, level or otherwise make, pave, or permanently repair, any street, road, avenue, boulevard, lane or alley, public way or square, or any section or sections thereof, in the town, and

Raise by assessment money to open, &c., streets, &c. ;

acquire and lay water-pipes therein, and construct hydrants therein, as may be necessary to supply the inhabitants with water and as a protection against fire ; make, enlarge, prolong or permanently repair bridges therein as may be necessary ; fence in such streets, roads, avenues, boulevards, lanes, alleys, public ways or squares, or any section or sections thereof, and make, carry out and complete such work or works, or any or all of them ; provided that every such by-law is approved by a two thirds' vote of the council ;

Acquire water-works, &c. ; Repair bridges, fences, streets, &c. ;

But every such by-law involving an estimated expense of over two thousand dollars, except by-laws respecting the construction of drains or sewers, and the paving or macadamizing of streets or roads, must be approved by the majority in number and value of the proprietors subject to be assessed for such improvement, on an assessment based on the value of the lands, irrespective of the buildings, and

Provide as to approval of by-law.

Approval of by-laws for expending over certain sums required.

who, at the time fixed, actually cast their votes for or against any such by-law, and such votes shall be taken in the manner and subject to the procedure for the approval of loans.

Notice of by-law.

*a.* A notice, stating in general terms the purpose of such by-law, shall be inserted for a period of at least ten days, before the passing thereof, in one French and one English daily newspaper published in the city of Montreal.

How costs to be borne.

*b.* The cost of making and carrying out any such improvements shall be borne and paid by the owners of real estate, situate on each side of such street, road, avenue, boulevard, lane or alley, public way or square, or any section or sections thereof, by means of a special assessment made, laid or levied upon the said owners of real estate according to the frontage of such properties, when such improvements are made; the council, nevertheless, having power to declare by resolution, passed by two thirds of the members of the whole council, that the said fronting properties shall be assessed only for a certain proportion or percentage of the cost of any such improvements, in the manner hereinafter set forth.

Power of council to declare that only certain portion of expense shall be borne by proprietors.

*c.* The council, by a resolution passed by a vote of at least two thirds of the members of the council, may declare that only 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 streets, roads, avenues, boulevards, lanes, alleys, public ways or squares, or any section thereof, and, in that event, the secretary-treasurer shall, within ten days from the passing of such resolution, 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 last known domicile, and shall in such notice indicate the nature of the improvement, and the amount or percentage of the cost thereof to be assessed on the fronting properties.

Petitions in objection to percentage and proceedings thereafter.

*d.* In the event of a petition, objecting to the whole or such proportion 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 and administrators, guardians, curators, institutes under substitution, trustees and the like, assessed for, possessed of, interested in, or owning such properties fronting on any of the said streets, roads, avenues, boulevards, lanes, alleys, public ways or squares, or any section thereof, the amount or percentage of the cost of any of 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, as far as can be made applicable,

Arbitration in such case.

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.

e. The award of the arbitrators, or a majority of them, shall form the basis of the assessment to be levied on such fronting properties, subject to appeal to the Superior Court of the district by ordinary action, served within fifteen days after the rendering of the award. Award to be basis of assessment.

f. 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 or assessments, making the award of the arbitrators the basis of assessing fronting properties, in the event of their proportion of the cost of any such improvements being diminished as aforesaid. Council to determine how improvements are to be carried out.

g. Such assessment shall be made, levied and collected at such time as may be ordered by the council, and it may 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. How assessments to be levied.

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

h. 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, the secretary-treasurer 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. Special roll to be made.

i. When the special assessment roll shall have been made, the secretary-treasurer shall give public notice in one English and one French daily newspaper, published in the city of Montreal, 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. Notice of preparation of special assessment roll and what to contain.

j. 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 their discretion, such assessment roll, but without interfering with the basis of assessment on fronting properties when determined by arbitrators as aforesaid; and may homologate the said roll, with or without amendments, as the case may be; such roll shall then be final and not subject to appeal. Hearing of objections to roll.

k. In case the first assessment proves insufficient, the council may make or cause to be made a second in the same Supplementary assessments.

manner and so on until sufficient money be realized to pay for such improvements or works.

When assessments become due.

*l.* Such assessment shall be due, exigible and collectable from proprietors in such proportional amounts or instalments as may be fixed 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.

Privilege for assessments.

*m.* 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, and discount for prepayments may be allowed.

Power to purchase land required for improvements.

**22.** The council shall have power to purchase or acquire, take and enter into any land, ground or real property whatsoever within the limits of the town, necessary for the purpose of the improvements, or for any of the purposes whatever mentioned in this act, either by amicable arrangement 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.

### TITLE III.

#### TAXES.

Power by by-law to levy : Assessments on immovables ;

**23.** The council may make by-laws to impose and levy :

**1.** An assessment on every lot, town lot or portion of a lot, whether built upon or not, with all buildings and erections thereon, not to exceed one cent and one half in the dollar of the real value of such property, as entered on the assessment roll of the town, for which assessment the owner thereof shall be personally liable ;

Special tax on certain trades, business and callings ;

**2.** A special tax upon resident carters doing business in the town ; upon proprietors of horses and vehicles, for each horse or 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, restaurants, temperance hotels ; upon dealers in spirituous liquors ; upon peddlers selling or offering for sale in the town articles of commerce of any kind whatsoever ; upon proprietors, possessors, agents, managers or occupants of theatres, circuses, manageries and minstrels ; upon public places of amusement kept open for profit ; upon billiard tables, mississippi or pigeon-hole tables, bowling alleys and other similar games ; upon livery-stable keepers ; upon grocers, bakers, butchers, hawkers, hucksters, brewers,

and distillers ; upon traders ; upon proprietors and keepers of wood-yards, coal-yards and slaughter-houses in the town ; upon building societies ; upon insurance companies and their agents and employees, whether they reside in the town or not ; upon gas and telephone companies doing business in the town or having property therein ;

The amount of such annual dues or tax 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 in 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 persons 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 five hundred dollars per annum, and provided there is nothing inconsistent with the provisions of any public statute.

3. A tax not exceeding five dollars per annum on every owner of a dog.

The town may compel owners of dogs to take out an annual license for each and every such animal.

#### TITLE IV.

##### MISCELLANEOUS PROVISIONS.

**24.** Article 4353 of the Revised Statutes is replaced, for the town, by the following :

No person shall, except in the case hereinafter provided, be a valuator unless he, as proprietor, possesses, in the town, either in his own name or in that of his wife, real estate of the value of eight hundred dollars, according to the valuation roll in force.

Nevertheless, one of the valutors appointed by the council may be chosen from amongst persons who reside outside of the town and who is not a rate-payer thereof.

**25.** Any licensed carter or common carrier, may transport goods out of the town or convey persons into the town coming from another municipality erected under any act whatsoever, without paying any municipal license or tax on account of such transportation in another municipality.

Any carter may also, without being obliged to take out another license or pay another tax, convey goods or persons into the municipality in which he has taken out his license.

**26.** The council may, by resolution or by-law, determine the days and hours during which the office of the council shall be open for the purposes mentioned in article 4343 of the Revised Statutes.

Power of constable without being required to :

Arrest, on view, persons contravening by-laws ;

Arrest, on view, vagabonds, &c.

R. S., art. 4524, replaced for town.

Interest on loan.

R. S., art. 4525, not to apply.

R. S., art. 4533, replaced for town.

Who presides over poll.

Duration of polling.

Power of corporations, &c., to vote on by-laws respecting loans.

R. S., art. 4560, replaced for town.

Power of council to impose certain penalty for infringement of by-laws passed

**27.** Any constable or police officer of the municipality may, without being thereunto required by the chief or by a member of the council, or by the council itself :

1. Apprehend or arrest on view any person found contravening the provisions of a municipal by-law, punishable by fine, if it be so ordered by the by-law, and take him before a justice of the peace, to be dealt with according to law ;

2. Arrest on view, and without warrant, any person he finds disturbing the public peace, or lying, wandering or loitering, by day or night, in any road, field, yard or other place, lodging, or sleeping in any barn, shed or other unoccupied building, or under a tent, cart or other vehicle, and not giving a satisfactory account of himself, and also any person shouting, swearing or making a noise in any public street or road, or on any wharf or bridge, or in any place within the limits of the town.

**28.** Article 4524 of the Revised Statutes is replaced, for the town, by the following :

Whenever the council contracts a loan, it is required to at once provide for the payment of the annual interest out of the revenues of the corporation.

**29.** Article 4525 of the Revised Statutes does not apply to the town.

**30.** Article 4533 of the Revised Statutes is replaced, for the town, by the following :

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 ten in the morning to five in the afternoon.

**31.** Corporations and estates holding immoveables liable to special assessments shall have the right to vote, on matters respecting loans, through their agent or duly authorized attorney ; provided they give the name of their said agent or attorney to the secretary-treasurer of the town at least fifteen days before the date specified for the adopting or rejecting of such by-law.

**32.** Article 4560 of the Revised Statutes is replaced, for the town, by the following :

The council may impose a fine, not exceeding fifty dollars, for the infringement of any municipal by-law of the town, and, in default of payment of such fine and costs by the delinquent, an imprisonment not exceeding thirty days, and another fine not exceeding twenty-five dollars for

every day that the said delinquent shall continue to infringe the municipal by-laws passed in virtue of paragraphs 6 and 7 of article 21 of the present charter. But no suit can be taken against a person who, at the time of the passing of such by-law, carries on a prohibited establishment or factory, unless the town council has had a six months' notice served on him, by the secretary-treasurer, to stop working the prohibited establishment, and unless such person has continued such working after the expiration of the said delay of six months. Such notice shall be valid both as regards the person contravening the said by-law and any person who may have purchased the business or establishment complained of, or the property on which such operations are carried on.

under paragraphs 6 and 7 of art. 21. Proviso as to notice.

Effect of notice.

The said punishments can be inflicted by the court only in so far as they are enacted by the by-law relating thereto.

Power of court as to punishment.

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

Coming into force.

#### SCHEDULE A.

You swear that you are (*name, residence and occupation of the elector as entered on the list*), whose name is entered on the list of electors now shown to you (*showing the list to the elector*); that you are twenty-one years of age or over; that you have not previously voted at this election; that all your assessments and municipal and school taxes, now exigible, have been paid according to law and the by-laws of this town, and that you have received nothing, and that nothing has been promised to you, either directly or indirectly, to induce you to vote at this election. So help you God.

#### CAP. LXV.

An Act to amend the act incorporating the town of Buckingham.

[Assented to 8th January, 1894.]

**W**HEREAS it appears by the petition of the corporation of the town of Buckingham that it has become necessary to amend certain articles of the act of incorporation of the town of Buckingham, and especially articles 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, and to repeal articles 9 and 17;

Preamble.

And whereas the said corporation has petitioned to that effect, and it is expedient to grant its prayer;