

4486, 4487, 4498, 4500, 4514, 4529, 4530, 4559 and 4564 to 4569 of the said Statutes, when said articles shall be replaced for the town, as respects the subjects mentioned in the said articles, by articles 12, 15, 16, 17 to 19, 20, 22, 23, 27 to 33, 35, 39, 63 to 91, 97, 98, 99, 100, 106 to 130 and 132 of the present act.

**134.** This act shall be known as "The Charter of the Name of act. Town of Côte Saint Antoine, 1893."

**135.** This act shall come into force on the day of its <sup>Coming into</sup> sanction. <sub>force.</sub>

### C A P. L V .

An Act respecting the charter of the town of Beauharnois and its amendments.

[Assented to 27th February, 1893].

**W**HEREAS it is expedient to amend the above acts and <sup>Preamble.</sup> to extend the powers of the corporation of the town of Beauharnois ; and whereas, by its petition, the said corporation has represented that it is necessary to explain certain portions of its charter ;

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

**1.** Subsections 1, 2 and 3 of section 6 of the act 38 Victo- <sup>38 V., c. 77, s. 6, §§ 1, 2 and 3 repealed.</sup> ria, chapter 77 are repealed, and articles 4211, 4212, 4213, 4214, 4215, 4217, 4218 and 4219 of the Revised Statutes <sup>R. S., arts. 4211 to 4215 and 4217 to 4219 to apply.</sup> shall apply to the town.

**2.** No person shall be elected mayor or councillor, nor <sup>Qualification of mayor and councillors.</sup> occupy either of these positions, unless :

1. He is of the male sex, is of the full age of majority 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 for the year preceding the election ;

4. He has had possession, for at least twelve months, as proprietor, either in his own name or in the name of his wife, of immoveable property in the said town of the value of at least one thousand dollars for the office of mayor, and four hundred dollars for the office of councillor, over and above all charges and hypothecs affecting the same.

27 V., c. 24, s.  
9, § 3, re-  
placed

First session  
of council.

Oath of mayor  
and council-  
lors.

Form of oath.

**3.** Subsection 3 of section 9 of the act 27 Victoria, chapter 24, is replaced by the following :

" 3. The first session of the council, after the first election, shall take place within eight days immediately following the said election, and, at such meeting, the mayor and councillors elected shall take the following oath, before a justice of the peace or before the secretary-treasurer :

" I, ....., do solemnly swear faithfully to fulfil the duties  
" of member of the council of the town of Beauharnois, to  
" the best of my judgment and ability : So help me God."

27 V., c. 24, s.  
18, replaced.

Appointment  
of secretary-  
treasurer and  
inspector.

**4.** Section 18 of the act 27 Victoria, chapter 24, is replaced by the following :

**18.** The council, at its first general meeting, or at a special meeting held within the fifteen days which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "secretary-treasurer of the town of Beauharnois ;" and an officer or inspector who shall have the powers and attributes of a rural inspector named in virtue of the provisions of the Municipal Code of the Province of Quebec."

Id., s. 31, §23,  
replaced.

To compel  
proprietors to  
drain, &c.,  
lands.

Proviso if not  
done.

**5.** Subsection 23 of section 31 of the act 27 Victoria, chapter 24, is replaced by the following :

" 23. To compel the proprietors or occupants of lots of land in the said town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be incommoded nor the public health endangered thereby ; and, in the event of the proprietors of such lands being unknown, or having no representative or agent in the said town, it shall be lawful for the said council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in or enclosed ; and the said council shall have a like power, if the proprietors or occupants of such lands are too poor to drain, raise or fence in the same ; and, in such case, the sum expended by the said council in improving such lands shall be recoverable in the same manner as ordinary taxes ; to open, deepen, widen, cover in and maintain all line ditches, ditches in common, or all water-courses, within the limits of the town, as the council shall consider necessary.

Fix time and  
manner for  
doing works.

Assessment, if  
at common  
cost.

**2.** Fix the time and the manner in which such works shall be done, as well as the inhabitants of the town by whom or at whose cost they shall be done.

**3.** In case the works are to be done at the common cost of the parties, assess the proprietors of land situate in the town and drained by a ditch or water-course, for the

amounts required for such works, according to the appraised value of the lands, and fix the manner of collecting the taxes so imposed.

4. Inflict a penalty, not exceeding twenty dollars, upon whomsoever shall obstruct or change or permit others to obstruct or change the ditches or water-courses, or who shall refuse to perform or to allow to be performed the works ordered by the inspector in virtue of the by-laws." Penalty for obstructing ditches, &c.

6. Section 33 of the act 27 Victoria, chapter 24, is replaced by the following: Id., s. 33, replaced.

"33. The secretary-treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and, for that purpose, shall give or cause public notice to be given on the following Sunday, that the collection roll is completed and deposited in his office, and all persons therein mentioned, liable to the payment of assessments, shall be required to pay him the amount thereof at his office, within the twenty days which follow the publication of the said notice: Notice of completion and of deposit of roll. What to contain.

2. Taxes shall bear interest at the rate of six per cent per annum, to count from the expiration of the delay in which they should have been paid, without the necessity of a demand of payment. Interest on taxes.

Neither the council nor the municipal officers shall have the power to remit such interest. Interest cannot be remitted.

3. If, at the expiration of the twenty days, there are arrears of taxes, the secretary-treasurer shall send or cause to be sent to the ordinary residence or domicile of each person in arrears, personally, a statement of the total amount of taxes due by such person in arrears, and at the same time, by a notice annexed to such statement, he shall make a demand of payment of the taxes therein mentioned, together with the costs of the service of such notice, in accordance with the tariff which the council shall have established. Statement to be sent after twenty days.

4. If any person shall neglect to pay the amount of taxes imposed upon him, for the space of thirty days after such demand shall have been made upon him, as above, the secretary-treasurer shall levy such taxes and costs under a warrant signed by the mayor, authorizing the seizure and sale of the moveables and effects of the person bound to pay the same, or of all moveables and effects in his possession, wherever the same may be found within the limits of the town, addressed to a sworn bailiff of the Superior Court for Lower Canada, in the district of Beauharnois, who is hereby authorized to seize and sell the said moveables and effects in the usual way; if taxes not paid thirty days thereafter.

Suits for  
taxes.

5. The payment of municipal taxes may also be demanded by an action brought in the name of the corporation before the Magistrates' Court or the Circuit Court of the district, or before the mayor acting *ex-officio* as justice of the peace."

Sale of im-  
moveables for  
taxes, if no  
moveables,  
&c.

7. In every case where a person, not residing in the town, is taxed for any property or immoveables which he possesses in the town, and in every case where there is not sufficient seizable property to pay the taxes imposed on any person for lands, buildings or other immoveables to him belonging, if the taxes are not paid within the twelve months after the notice of the deposit of the collection roll of the town has been given, the council may, at its monthly meeting in December, authorize the secretary-treasurer, upon his report to the latter effect, to sell or have sold by public auction, at the office of the council or at any other place fixed by the council in the manner hereinafter described, on the first Monday of the month of March following, the immovable property which the council shall designate by resolution, so indebted to the council for municipal taxes.

List to be  
prepared.

The secretary-treasurer of the town shall prepare a list, containing a sufficient description under article 2168 of the Civil Code, of the immoveables to be sold at public auction by order of the council; and he shall, within fifteen days after such order has been given, give public notice, in the manner required for the publication of by-laws, of the day, hour and place where the said public auction will take place, and this notice, as well as the copies which shall be posted up, shall be respectively accompanied by a copy of the list of the immovable property to be so sold, as well as the amount of the taxes due and of the costs upon each property respectively.

Notice to be  
published.

Publication in  
Official  
Gazette and  
newspapers.

A similar notice, together with the list accompanying it, shall be published twice in French and English in the Quebec Official Gazette and in two newspapers of the district, during the month of January preceding the sale.

Property to be  
sold by auc-  
tion.

8. At the time indicated for the sale, the secretary-treasurer of the council, sells to the highest and last bidder, the immoveables described in the list on which taxes are still due, in complying with the formalities required under the Municipal Code.

Right of re-  
demption.

9 The proprietors of the immoveables sold under the authority of the preceding sections, or any other person, whether authorized by them or not, may redeem the same, but only in the name and for the benefit of the person who was the proprietor thereof at the time of the sale.

How effected  
and when.

The redemption may be effected, within two years from the date of the sale, by paying to the purchaser

the full amount of the price paid and the expenses incurred for maintaining the property in the same state and condition as when it was sold, with interest at the rate of fifteen per cent per annum, every fraction of a year being counted as a full year.

**10.** If, within two years from the date of the adjudication, the property sold has not been redeemed, the purchaser shall remain the irrevocable owner thereof, and, upon payment of all municipal taxes, which have become due and payable in the interval upon such property, to the said council, such purchaser shall, at the expiration of the two years, be entitled to a deed of sale of the property from the town corporation.

Deed of sale of property not redeemed.

**11.** The deed of sale shall be executed in the name of the corporation and be signed by the mayor and secretary-treasurer of the town, and the cost of such deed, as well as of its registration, shall be paid by the purchaser to the secretary-treasurer, before the execution and signing of such deed of sale.

How deed is executed.

It shall be the duty of the secretary-treasurer to get such deed registered according to law.

Registration.

**12.** The sale shall have the same effect as a sheriff's sale, and the purchaser shall be seized of the ownership of the lands so sold and their dependencies as proprietor thereof, and shall have the right to take immediate possession thereof.

Effect of sale.

**13.** Section 41 of the act 27 Victoria, chapter 24, is repealed.

Id., s. 41, repealed.

**14.** Articles 4485, 4486, 4488, 4489, 4490, 4491, 4492, 4493, 4494, 4495 and 4496 of the said Revised Statutes shall apply to the town.

R. S., arts. 4485, 4386 and 4488 to 4496 to apply.

**15.** No special and other tax imposed upon immoveable property in the said town shall exceed one cent in the dollar of the total real value of such immovable property, as shown in the assessment roll of the town.

Limit of taxation.

**16.** The council may, by a by-law, voted and approved by the electors of the town who are property holders, in the manner prescribed by the said act of incorporation for the issue of bonds, transfer its rights and powers, respecting the water supply, to any company who may wish to take charge of the same; provided such company does not levy, for the water supply, higher rates than those approved or determined by the by-law of the council.

Rights as to water supply may be transferred to company.

Proviso.

Water-tax to  
be levied, even  
if water not  
made use of.

**17.** The water-tax shall be imposed and levied, even in cases where the proprietor or occupant does not make use of the water from the water-works.

Id., s. 53, re-  
pealed.

**18.** Section 53 of the act 27 Victoria, chapter 24, is repealed.

R. S., arts.  
4561, 4564 to  
4569 to apply.

**19.** Articles 4561, 4564, 4565, 4566, 4567, 4568 and 4569 of the said Revised Statutes shall apply to the town.

Id., s. 42, and  
38 V., c. 77,  
ss. 56 and 57,  
repealed.

**20.** Section 42 of the act 27 Victoria, chapter 24, and sections 56 and 57 of the act 38 Victoria, chapter 77, are repealed.

R. S., arts.  
4523 to 4537 to  
apply.  
Temporary  
loans.

**21.** Articles 4523, 4524, 4525, 4526, 4527, 4528, 4529, 4530, 4531, 4532, 4533, 4534, 4535, 4536 and 4537 of the said Revised Statutes shall apply to the town. Notwithstanding article 4259, temporary loans, to the amount of not more than seven hundred dollars, may be made by means of promissory notes upon resolution of the council, without the said approval being required.

38 V., c. 77,  
s. 40, § 2,  
replaced.  
Notice to be  
in English and  
French and  
how posted  
and where.

**22.** Subsection 2 of section 40, of the act 38 Victoria, chapter 77, is replaced by the following :

" 2. This notice shall be given, in French and English, under the signature of the secretary-treasurer and posted upon or near one of the doors of the town hall of the said town, and in case the said town hall should be destroyed by any cause or reason whatsoever, at the place which the town council, by resolution, shall designate as the locality where public notices shall be posted, which should have been posted at the hall so destroyed during the interval, until the rebuilding of the said hall.

Reading of  
notice at  
church door.

Such notice shall be read in a loud and intelligible voice, at the issue of Divine Service, on the Sunday morning following the publication of such notice."

Council au-  
thorized to  
borrow certain  
sum to pay off  
floating debt.

**23.** The council is authorized to borrow, in a special manner, a sum of money not to exceed ten thousand dollars, to pay off the floating debt of the town, with interest at five per cent.

Approval of  
by-law for  
that purpose  
required.

The by-law authorizing such loan shall be approved by the electors of the town who are property-holders, in the manner prescribed in the aforesaid acts.

Coming into  
force.

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