

In case of a vacancy occurring in the office of mayor, the vacancy shall be filled by the council in the usual manner at the first session after the occurrence of the vacancy.

Vacancy in office of mayor how filled.

40. Articles 4194, 4196, 4238, 4241, 4256, 4257, 4258, and 4274 of the Revised Statutes of the Province of Quebec do not apply to the town of Cookshire.

R. S. Q., arts. 4194, 4196, 4238, 4256 to 4258 and 4274, not to apply.

With the exception of the articles above named, the provisions of the law respecting town corporations apply to, and form part of the charter of the town of Cookshire, in so far as they are not inconsistent with the provisions of this special act, and are to be regarded as supplementary to the said special act.

Other articles of law respecting town corporations to apply if not inconsistent with this act.

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

Coming into force.

CAP. LVIII.

An Act to incorporate the town of Scotstown.

[Assented to 24th June, 1892.]

WHEREAS the provisions of the Municipal Code do not meet the requirements of the inhabitants of the village of Scotstown, and it has become necessary to make more ample provisions for the management and control of their municipal affairs, and whereas the said inhabitants are desirous of obtaining a special act of incorporation, and application has been duly made to that effect ;

Preamble.

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

1. From and after the passing of this act the inhabitants of the town of Scotstown, as hereinafter described and bounded, and their successors, shall be and they are hereby declared to be a body corporate and politic, by the name of the " Corporation of the town of Scotstown, " separate from the county of Compton, for all municipal purposes.

Inhabitants of town incorporated.

Name. Separate from county for municipal purposes. General powers.

And, as such corporation, they and their successors shall have perpetual succession, and shall be capable of appearing in law, of suing and of being sued, of pleading and of being impleaded in all courts, actions, causes and complaints whatsoever ; they shall have a common seal, which they may change or modify at their pleasure, and shall be capable of receiving, by gratuitous title, of acquiring, holding and alienating, by any title, or in any manner whatsoever, any property, moveable or immovable, for the use or benefit of the said town ; of becoming parties to any contracts or agree-

ments in the management of the affairs of the town ; of giving, endorsing, transferring and accepting any notes, bills, bonds, securities, judgments, or other instruments, for the payment of any sums of money in discharge, recognition or execution of any right or obligation, relating to the business of the town.

Territory
comprised in
town.

2. The town of Scotstown shall comprise the lots two and three in the first range of the township of Lingwick, and lots forty-one, forty-two, forty-three and forty-four*in range C of the said township of Lingwick ; lots three, four, five, six and seven in the first range Victoria North, in the township of Hampden, and lots " E, " " D, " " C, " " B, " " A, " 1, 2, 3, 4, 5, 6, 7, in the first range Victoria South, in the said township of Hampden.

Composition
of council.

3. The municipal council shall be composed of seven councillors, elected in the manner prescribed by the law respecting town corporations.

Term of office.
Retiring from
office of first
councillors
elected after
coming into
force of this
act.

4. The councillors shall be elected for three years ; except that, of the seven councillors elected at the first general election, held after the coming into force of this act, two must be replaced at the time of the next general election in the month of January following ; two others at the same period in the year which follows that last mentioned ; and the three remaining councillors at the same period in the following year.

Councillors so
to retire to be
chosen by lot.

5. The councillors who are thus to retire, in the first and second years after the first general election, must be selected by lot at a session of the council in the month of December, preceding the month of January in which they are to be replaced,—in default of this being done, the retiring councillors shall be chosen by lot by the presiding officer, in presence of the municipal electors, on the day of nomination.

If not so
chosen.

Appointment
of mayor.

6. At the first session of the council after any general municipal election, the members present, if they form a quorum, must appoint, as mayor of the corporation, any one of the councillors possessing the necessary qualifications.

Term of office.

The mayor remains in office until the appointment of his successor.

When and
where first
elections of
councillors to
be held.

7. The first general election shall take place in the building belonging to the corporation of the township of Hampden, situate in the said town of Scotstown, now used as

* N. B.—Amended so as to read " in ranges C and D." See next chapter.

the place of meetings of the municipal council of the township of Hampden, at ten of the clock in the morning of the twentieth of July next, and the poll, if required, shall be held on the following Wednesday, and shall be conducted in accordance with the provisions of the law respecting town corporations.

8. The secretary-treasurer of the township of Hampden shall be the presiding officer at the first general election.

Who shall preside.

9. The first session of the council, after the first election, shall be held in the room, in the said town building, used for the sessions of the municipal council of Hampden.

Where first session of council to be held.

10. Four members of the council shall constitute a quorum.

Quorum of council.

In the sessions of council, whoever has a right to be heard, may use either the French or the English language.

What language to be used.

11. The books, records and proceedings of the council, shall be kept, and all certificates of publication or service, and every other document produced or filed in the office of the council, shall be written in either the French or English language, as the council may decide by by-law.

Language to be used in books and records.

12. The council shall have power by by-law :

a. To prohibit, control and regulate the sale of intoxicating liquors, subject to the provisions of the Quebec License Law ;

Power of council by by-law to: Prohibit, &c., sale of liquors.

b. To regulate the construction of chimneys ;

c. To impose and levy, by means of direct taxation upon all taxable property, or only upon taxable real estate in the said town, all sums of money necessary to meet the expenses, debts and obligations of the corporation, and for all other purposes appertaining to the administration of the affairs of the said corporation ;

Regulate chimneys; Impose and levy taxes upon moveables and immoveables, &c.;

d. To levy, by means of direct taxation, on all the taxable property, or only on the taxable real estate belonging to those persons who, in the opinion of the council, are interested in any public work under the control of the corporation, or belonging to those who benefit by such work, all sums of money required for the construction and maintenance of such work ;

Impose and levy taxes upon property benefited by improvements, &c. ;

e. To impose and levy, by means of direct taxation, money required for any purpose within the scope of the functions of the council, on all taxable property, or only on all taxable real estate comprised within a part of the municipality, on petition, by the majority of the rate-payers liable to pay such tax, to the extent and under the conditions set forth in such petition ;

Impose and levy taxes upon property for works, &c., made on petition of rate-payers, &c. ;

Impose and
levy taxes
upon tenants,
From whom
collectable;

f. To impose and levy, annually, on every tenant, a sum, not to exceed ten cents in the dollar, upon the annual amount of rent payable by him.

This tax shall be collectable from the tenant or the landlord;

License ex-
igible for sale
of bankrupt
stocks
brought to
town, &c.;

g. To impose and levy, annually, on all stocks in trade, or goods kept by merchants or traders in the said town, a tax of not more than one half of one per cent of the estimated value of such stock in trade.

And in cases where any person or persons shall come temporarily into the said town to dispose of any bankrupt or other stock of goods, wares or merchandize, either at public auction or by private sale, the said council may, by resolution, passed as soon as convenient, levy on such person or persons, a license fee of not more than fifty dollars, which shall be payable on demand to the secretary-treasurer, and if not paid when demanded, the same may at once be collected by distress warrant, issued under the hand of the mayor or pro-mayor, and the said goods shall be held for the payment of the said license fee;

Impose and
levy taxes
upon pro-
prietors of
houses of
public enter-
tainment,
&c.;

h. To impose and levy such annual taxes as may be determined by the council, on the proprietors or occupants of houses of public entertainment, hotels, inns, taverns, restaurants, coffee-houses and eating-houses, and on retailers of spirituous liquors; on peddlers and itinerant traders, selling or offering for sale any articles of commerce in the said town; on proprietors, managers or keepers of theatres, menageries, circuses, billiard rooms, tenpin or ninepin alleys or other places for games or amusements; on auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery stable-keepers, traders, manufacturers, and their agents; on proprietors or keepers of lumber-yards, wood-yards or coal-yards, brokers, pawn-brokers, bankers and agents of banks; on insurance companies and their agents; on brewers, bottlers wholesale liquor dealers; on lawyers, doctors, physicians, land-surveyors, notaries, and, generally, on all or any commerce, manufactures, callings, arts, trades or professions which have been or may be exercised or carried on in the said town, or which may hereafter be introduced or carried on therein, whether the same be mentioned in this act or not; subject always to the provisions of the Quebec License Law;

Proviso.

Levy taxes
upon dogs;

By whom
payable.

i. To levy annually on every dog kept by persons residing in the said town, a tax of not less than one dollar nor more than three dollars. This tax shall be payable by the proprietor or harbinger of the dog or dogs, either of whom may be sued for the amount thereof;

Levy taxes
upon stallions
for service.

k. To levy and impose on every person who keeps in the said town or brings therein temporarily any stallion for the use of mares, a tax or duty of ten dollars annually. If such

duty is not paid on demand, the same may be immediately collected by distress warrant, and the stallion may be held for the payment thereof.

13. All fines and penalties recovered for the violation of any municipal by-law or ordinance shall be paid into the hands of the secretary-treasurer and form part of the general funds of the town.

Fines to be paid to secretary-treasurer and to form part of funds of town.

14. For the purpose of encouraging the introduction and establishment of new manufactories and industries in the town, it shall be lawful for the corporation to exempt from all municipal imposts whatsoever, for a space of time not exceeding twenty years, any manufactory which any individual, commercial firm or corporation may have undertaken or may undertake to establish therein.

Exemption of factories from taxation, &c.

The exemption so granted may be made to apply to all moveables and machinery employed in such manufactory, as well as to all articles manufactured therein.

Exemption applies to machinery, &c.

15. On the first juridical day in the month of March in each year, the secretary-treasurer may sell by auction, at his office, the real estate upon which arrears of taxes are due.

Annual sale by auction of real estate upon which arrears of taxes are due.

Notice of such sale shall be given by an advertisement published twice during the month of January preceding in the Quebec Official Gazette, and also in one newspaper published in the district.

Notice of sale to be given.

16. At the time appointed for the sale, the secretary-treasurer of the town, or some other person acting for him, may sell to the highest bidder those lands described on the list on which taxes are still due, after making known the amount to be raised on each of the said lands, including therein a part of the costs incurred for the sale, according and in proportion to the amount of the debt and of the disbursements that shall have been made to provide for the sale of each of the said lots.

Proceedings at sale.

17. Any person offering then and there to pay the amount of money to be raised, together with the costs, for the smallest portion of such lands, becomes the purchaser, and such portion of land may be at once adjudged to him by the secretary-treasurer.

Adjudication.

18. The secretary-treasurer is entitled to ten cents for every hundred words or figures for all notices, lists and other documents in relation to the sale of lands indebted for taxes, and further to the repayment of any sum advanced by him to defray the cost of publication, and to one

Fees of secretary-treasurer on notices, lists, &c.

dollar and fifty cents for each certificate of adjudication and for each deed of sale, in addition to the cost of enregistration thereof.

Payment of purchase price to be made at once;

If not, property may be resold or sale adjourned.

Adjournment of sale, if no bids or all lots not sold on day fixed.

Certificate to be given purchaser.

Effect thereof.

Timber not to be removed, &c.

Corporation may bid, &c.

List of lands sold to be sent to registrar.

Fee of secretary for such list.

Effect of omission to send list, &c.

19. The purchaser of any land or portion of land must pay the amount of his purchase money immediately upon the adjudication thereof. In default of immediate payment the secretary-treasurer, either at once puts up the land for sale, or may adjourn the sale to the following or any other day within eight days, by giving all persons present notice of such adjournment in an audible and intelligible voice.

20. If, at the time of the sale, no bid is made, or if all the lots advertized cannot be sold on the day fixed for the sale, the sale must be adjourned to the following or any other day within eight days, in the manner set forth in the preceding article.

21. On the payment by the purchaser of the amount of his purchase money the secretary-treasurer sets forth, in a certificate made in duplicate and signed by himself, the particulars of the sale, and delivers a duplicate of such certificate to the purchaser; the purchaser is thereupon seized and possessed of the land adjudged, and may enter into possession thereof, subject to the same being redeemed within the two years next following.

The purchaser, however, cannot carry off timber from such land, or in any way deteriorate the property, during the two years allowed for the redemption.

22. The corporation of the town may bid at the sale of such immoveables, and may become the purchaser thereof, through the mayor or other person authorized by the council, without being held to pay forthwith the amount of the purchase money.

The secretary-treasurer shall, within eight days after the adjudication thereof, transmit to the registrar of the county, a list of the lands sold for taxes; for such purpose he is entitled to twenty cents for each piece of land mentioned in the list furnished by him, of which one half is transmitted by him to the registrar, with the list, to cover the fees of the latter for the depositing and entering, and for the cancellation thereof.

The omission to forward such list or to mention any lot therein shall not invalidate any proceeding in the matter in which such omission shall occur, but the secretary-treasurer in fault shall be responsible for all damages which may result therefrom.

23. If, within two years from the date of adjudication, the land adjudged has not been bought back or redeemed, the purchaser shall remain the irrevocable proprietor thereof.

Purchaser to be irrevocable owner of land not redeemed in certain time.

24. Such purchaser, upon accepting the certificate of his purchase, and upon making the payment of all municipal taxes, which, in the meantime have become due thereon, is entitled, at the expiration of the two years' delay, to a deed of sale from the corporation of the town.

When purchaser is entitled to deed.

Such deed shall be executed in the name of the corporation by the secretary-treasurer, in the presence of two witnesses, who shall sign it, or in notarial form; and must be enregistered with due diligence.

How to be executed.

Registration thereof.

25. The costs of the deed of sale and the enregistration thereof are payable by the purchaser, and exigible before the deed is signed.

Cost of deed and its registration payable by purchaser.

26. The sale so made under the provisions of this act shall have all the effects of an ordinary sheriff's sale and as if such sheriff's sale had been made under the provisions of the law respecting town corporations.

Effect of sale.

27. If the land sold does not exist, the purchaser is merely entitled to recover the sum paid by him, with interest, at the rate of fifteen per cent per annum.

If land sold does not exist.

If the adjudication or sale is declared null, on any demand brought to set aside the same, or in any other cause or contestation, the purchaser can only exact repayment of the sum paid by him, and improvements which have increased the value of the land, up to such value, unless he prefers to remove the same, with interest upon the whole amount claimed, at the rate of fifteen per cent per annum.

If sale is declared null on demand made for that purpose, &c.

28. Any action to annul a sale of land, made in virtue of the provisions of this chapter, or the right to call in question the lawfulness thereof, is prescribed by the lapse of two years from the date of such adjudication.

Prescription of suit to set aside sale.

An action to set aside such deed of sale may be instituted in any competent court.

Suit before what court brought.

29. If the land advertized to be sold by the secretary-treasurer is also advertized to be sold by the sheriff of the district, the secretary-treasurer of the town cannot proceed with the sale of such land, but must, without delay, transmit to the sheriff a statement of the sums due for taxes and the cost of advertizing, on account of such land, which sums are paid out of the proceeds of the sale made by the sheriff; and the costs incurred by the secretary-treasurer are privileged, and rank with the taxes,

If land also advertized to be sold by sheriff.

If sheriff's sale stopped.

30. If, however, on the day fixed by the secretary-treasurer for the sale of the land, the sheriff's sale has been discontinued, the secretary-treasurer may proceed with the sale of the land in the usual manner.

Sale may be annulled by consent.

31. A sale made under the authority of the foregoing provisions may be rescinded and annulled by the mutual consent of the corporation, the owner and the purchaser.

Who may redeem and for whom.

32. Any person, whether authorized or not, may redeem the land sold by the secretary-treasurer in the manner hereinbefore set forth, but only in the name and for the benefit of the person who was the proprietor thereof at the time of the adjudication.

When redemption effected by person not specially authorized.

When the redemption is made by a person not specially authorized, the secretary-treasurer, in the receipt which he gives in duplicate, sets forth the name, quality and domicile of the person who effected the redemption.

Effect thereof.

Such receipt enables the person mentioned therein to be reimbursed the amount paid by him, and interest, at eight per cent, and secures him a hypothec, ranking next after municipal taxes on the land in question, for the reimbursement of such money, after being registered in the proper registration division, any provision in the Civil Code to the contrary notwithstanding.

When redemption to be made. How effected.

Such redemption, however, can only be made within two years following the day of adjudication; and, in order to effect such redemption, the person redeeming shall pay to the secretary-treasurer the amount laid out for the purchase of such land, including the costs of the certificate of purchase, the notice to the registrar and all disbursements, and interest at the rate of fifteen per cent per annum, every fraction of year to be reckoned as a year.

Rights of purchaser upon redemption.

33. The purchaser may compel the owner, or the person who redeems the land in the name of the owner, to indemnify him for all improvements made by him on the land so redeemed, unless he removes the same, and also to reimburse him the amount of taxes paid, and of the public or municipal work performed on account of such land, with interest on the whole, at the rate of fifteen per cent per annum, every fraction of a year to be reckoned as a year.

Privilege of claim.

This claim bears a privilege in favor of the purchaser on the land in question.

Land may be retained until paid.

The purchaser may retain possession of the land redeemed until payment of such claim.

Provision respecting sales for taxes to be considered as supplement-

34. The foregoing provisions, regulating the sale of land for taxes by the secretary-treasurer, are supplementary to and without waiver of the right of the town corporation to

proceed with the sale of such lands for taxes by sheriff's sale, in accordance with the provisions of the law respecting town corporations.

ary to those of R. S. Q., arts. 4557 and 4558.

35. All arrears of municipal taxes, and all other assets arising out of the taxable property included within the limits of the town, shall become and remain the property of the corporation of the town of Scotstown, and the council thereof, and its officers are authorized to collect and settle such arrears, with all the rights and powers heretofore possessed by the corporations of the townships of Lingwick and Hampden.

Arrears of taxes on property included in town to belong to corporation, and corporation, &c., authorized to collect same.

The secretary-treasurers of the townships of Lingwick and Hampden shall deliver, on demand, free of charge, to the council of the town of Scotstown, duly certified copies or extracts of the collection and valuation rolls, of all by-laws, rolls and other documents as may be required.

Copies of certain collection and valuation rolls to be delivered to secretary-treasurer of town.

36. All *procès-verbaux*, by-laws, ordinances, rules and resolutions in force in the territory included within the limits of the town of Scotstown, shall be and remain in force in the said town, until repealed or replaced by the council thereof; and the council of the town of Scotstown are substituted in all the rights and actions of the corporations of the townships of Lingwick and Hampden in relation thereto.

Existing *procès-verbaux*, &c.

37. When a vacancy occurs in the office of councillor, the election of a substitute shall be forthwith proceeded with, on the day fixed by the council, and such election shall be held in the manner prescribed for general elections.

Election to fill vacancy in office of councillor.

In case of a vacancy occurring in the office of mayor, the vacancy shall be filled by the council in the usual manner at the first session after the occurrence of the vacancy.

Vacancy in office of mayor.

38. Articles 4194, 4238, 4241, 4256, 4257, 4258 and 4274 of the Revised Statutes of the Province of Quebec do not apply to the town of Scotstown.

R. S. Q., arts 4194, 4238, 4241, 4256 to 4258 and 4274, not to apply.

With the exception of the articles aboved named, the provisions of the law respecting town corporations apply to, and form part of the charter of the town of Scotstown, in so far as they are not inconsistent with the provisions of this special act, and are to be regarded as supplementary to the said special act.

Other articles of law respecting town corporations to apply if not inconsistent.

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

Coming into force.