

sidewalks in durable materials and apportion cost, &c.

public place in the city, and decide that the cost of such construction be apportioned, in whole or in part, upon the immoveable property situate on the side of such street, square or public place, on which such sidewalk is constructed, provided that the city does not undertake more than one half the cost of such construction; and such apportionment shall be made in proportion to the frontage of such immoveable property."

Id. art. 611, amended.

**13.** Paragraph numbered 3 of article 611 of the said act is amended by replacing the word "Montreal" by the words "the city."

Coming into force.

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

## C A P. L X X X I I .

An Act to amend the act 32 Victoria, chapter 71, to incorporate the town of St. Germain de Rimouski.

[Assented to 30th December, 1890.]

Preamble.

**W**HEREAS, under the act incorporating the town of St. Germain de Rimouski (32 Victoria, chapter 71), the said town is governed by the provisions of the former act affecting municipalities and roads in Lower Canada, (C. S. L. C., chapter 24), which act has been codified and amended; which occasions inconvenience and may cause confusion;

Whereas, by petition, the municipal council of the said town have represented that it has become necessary to confer more definite and extended powers upon the said town;

Whereas it is expedient to grant their prayer;

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

### I.—INCORPORATION OF THE TOWN.

32 V., c. 71, s. 1, replaced.

**1.** Section 1 of the said act 32 Victoria, chapter 71, is repealed and replaced by the following:

Territory erected into a town.  
Name.

"1. The territory above described is erected into a town, under the name of the "Town of St. Germain de Rimouski," and the inhabitants residing in the said territory and their successors are constituted a body politic and corporate, under the name of "The Corporation of the town of St Germain de Rimouski."

Name of corporation.

To be separated from county.

"The said town is and shall remain separated from the county of Rimouski for municipal purposes.

"It is subject to the provisions of the Municipal Code and its amendments, except where this act derogates therefrom or contains provisions inconsistent therewith." Subject to provisions of Municipal Code.

**2.** All the municipal by-laws, ordinances, rolls or acts now in force shall continue to have full effect until amended or repealed, and all present municipal officers, mayors and councillors shall remain in office until replaced under this act. Present municipal by-laws, &c., continued in force and present officers, &c., in office.

## II.—TOWN COUNCIL.—MUNICIPAL ELECTIONS.

**3.** Sections 2, 3 and 4, of the said act 32 Victoria, chapter 71, are repealed. 32 V., c. 71, ss. 2, 3 and 4, repealed.

**4.** The municipal council of the town consists of seven members, four of whom shall constitute a quorum. Composition and quorum of council.

**5.** The councillors are elected for two years and go out of office on the third Wednesday of January, every two years. Term of office of councillors.

The first election following the sanction of this act shall be held on the third Wednesday of January next. First election after coming into force of act.

**6.** At the first session after the general election of councillors, if there be no vacancy in the office of councillor or, if there be a vacancy, immediately after such vacancy is filled, the members shall elect as mayor of the corporation one of the councillors who is duly qualified. Election of mayor.

**7.** The mayor remains in office from the time he takes the oath until the appointment of his successor. Term of office of mayor.

**8.** The general elections are held every second year on the third Monday of the month of January, at the hour of nine in the morning, in the council room of the town or at any other place specified by resolution of the council. General elections when and where held.

**9.** The election is, *ex-officio*, presided over by the mayor going out of office, or in his default any other person appointed by the council for the purpose. Presiding officer.

If the mayor or the person appointed by the council be absent or refuse to act, the majority of the electors present appoints the person to preside at the election. If he refuse to act.

The presiding officer may be nominated and is eligible for the office of councillor, notwithstanding article 285 of the Municipal Code. Presiding officer may be elected as councillor.

**10.** After opening the meeting of electors for the nomination of councillors, the presiding officer shall receive the names of and nominate all qualified persons nominated Nomination of councillors.

by a written document handed to him and signed by at least five municipal electors.

Qualification of councillors.

**11.** The qualifications required for councillors are the same as those under the Municipal Code, subject to the following article.

Municipal taxes, &c., must be paid.

**12.** No person can be nominated as councillor unless at the time of the election he has paid all municipal taxes and assessments then due.

Poll of contestation.

**13.** If, an hour after the opening of the meeting, there have been and remain nominated for the office of councillor, a greater number of persons than there are councillors to be elected, it is the duty of the presiding officer to grant a poll, which shall be opened without delay and held in accordance with the provisions of the Municipal Code, except where otherwise provided by this act.

Duration of voting. Opening and close of poll.

**14.** The voting shall last only one day. The poll shall be opened at the hour of ten in the morning and be closed at five in the afternoon of the same day.

If one hour elapses without voting.

However, if an hour elapses without a vote being polled, the presiding officer shall close the election and at once proclaim elected those who have the most votes.

Vacancies in office of councillor or mayor.

**15.** Vacancies in the office of councillor or of mayor shall be filled in accordance with the provisions of the Municipal Code.

Time for holding general meetings.

**16.** The council shall hold general or ordinary meetings on the first Monday of each month, or at any other dates fixed by the council.

Notice to be given for special meetings.

**17.** The notice convening every special meeting shall be given to the members of the council in person, or at their domicile, at least twenty four hours before the time fixed for the meeting.

### III.—MUNICIPAL ELECTORS.

Qualification of municipal electors.

**18.** Every person of the male sex is a municipal elector and as such is entitled to vote at the election of councillors and to exercise all the rights and privileges conferred upon municipal electors by this act, who at the time he exercises such rights and privileges :

1. Is of full age and a British subject ;
2. Really and *bonâ fide* owns, since six months, in the municipality, in his name or in the name and for the benefit of his wife, as shown by the valuation roll in force, or is in possession either as proprietor of a taxable real

estate of the value of at least one hundred dollars, or as a resident tenant under a lease of a taxable immoveable, of the real value of at least one hundred dollars and of the annual value of at least twenty dollars ;

3. Has paid all municipal and school taxes and all other municipal rates whatsoever, due and payable at the time he exercises his right to vote ;

4. Is registered since three months as proprietor, occupant or tenant on the valuation roll in force in the municipality, or is entered on the list of municipal electors, if there be one.

#### IV.—POWERS OF THE CORPORATION.

**19.** The corporation is vested with all the powers conferred upon local and town corporations under the Municipal Code, and may pass by-laws and resolutions and levy taxes and assessments, both in money and in work, for all the purposes authorized by the said Code and not herein provided for.

**20.** The town council may, by by-law or by a mere resolution, levy and collect an amount not exceeding sixty dollars for the confirmation or granting of each certificate for obtaining a license to sell intoxicating liquors in hotels, inns, restaurants, taverns, shops and houses of public entertainment.

It may refuse to deliver the certificate, if the sum specified be not previously paid.

**21.** The council may also, by by-law or resolution :

1. Order or regulate the draining, cleaning, altering, repairing, etc., of all grounds, yards, vacant lots, cellars, private drains, hollows, cesspools and privies, and compel the owners or occupants of such lots and yards or of the immoveable on which are such cellars, private drains, hollows, cesspools and privies to pay the cost of such works if they are done by the council in default of their doing them themselves ;

2. Make all other necessary by-laws for drains and ditches.

**22.** Notwithstanding any law to the contrary, the council may, by by-laws adopted by the absolute majority of the members of the council, order the issue of bonds or debentures to the amount of ten thousand dollars for objects within the powers of the corporation or for the consolidation of the present debt of the town.

Such debentures shall be according to the form prescribed by the Municipal Code.

Interest and when to be payable.

They shall not bear interest at a rate exceeding six per cent per annum, and the date of their maturity shall not exceed thirty years from the date of their issue.

Bonds to be privileged claim against corporation.

They shall constitute a privileged claim against the corporation in favour of the holders thereof and have preference over all other debts and claims against the corporation.

Power to issue bonds, &c., under Municipal Code.

**23.** The council has, moreover, the power to issue bonds or debentures, under the provisions of the Municipal Code.

Council may issue notes for certain purposes to certain amount.

**24.** The council may, by mere resolution, issue notes to order or to bearer, up to an amount not exceeding four thousand dollars, with or without interest, in settlement of accounts or other current matters.

How signed, &c.

Such notes, made in the name of the corporation, are signed by the mayor or by a councillor authorized by a resolution of the council, and countersigned by the secretary-treasurer.

#### V.—TAXES AND LICENSES.

For purposes of administration of town, council may levy taxes upon :

**25.** For the purpose of levying the sums required for the administration of the town and the management of its affairs and of enabling the council to meet its obligations and effect useful improvements, the council may impose and levy annually, by by-law, the following taxes :

Lots of land, &c. ;

1. Upon every lot of land, town lot or part of a lot, with the buildings thereon erected, if any, and upon all taxable property, an amount not exceeding one cent in the dollar on their total value as shown on the valuation roll ;

Tenants ;

2. Upon every tenant of an immoveable or upon every occupant under any title whatsoever, by toleration or otherwise of taxable immoveable property, a tax not exceeding five cents in the dollar on the amount of the rent or annual value of such immoveables, as shown on the valuation roll.

Male inhabitants not otherwise taxed.

3. Upon all male inhabitants over twenty one years of age, residing in the municipality and not otherwise taxed, with the exception of ministers of religion, teachers, apprentices and servants, a sum not exceeding two dollars.

Certain salaries and revenue included as taxable property under § 1 of art. 25.

**26.** The following are also taxable subject to the tax mentioned in paragraph numbered one of article 25 and to all taxes imposed upon taxable property in the said municipality :

Salaries, &c., of Government officials.

1. The salary or annual official income of any judge, district magistrate, prothonotary, sheriff, registrar, custom

house officer, post master, Crown lands agent, revenue collector, gaoler and every other civil officer appointed by the Federal or by the Provincial Government, who performs his duties, or exercises his functions, keeps his office or resides in the town ;

2. The professional income of every advocate, notary, physician, surgeon, dentist, civil engineer, surveyor, and veterinary surgeon having his office in the town ; Income of professional men.

Every partnership formed for the practice of the professions mentioned in the present paragraph, shall be responsible for the tax imposed on the professional income of each of the partners, without prejudice to the recourse against each of the partners for his respective share. Partnerships to be responsible for such tax.

3. The annual salary or emoluments of every pilot and other person employed in the service of others residing in the town and whose wages or emoluments exceed three hundred dollars per annum. Salary of pilots, &c.

4. The annual revenue from his business of any merchant, manufacturer, trader, tradesman and master workman, carrying on business or plying his trade or industry in the town, whether he resides there or not. Revenue from business of merchants, &c.

Such annual value is estimated in connection with such business, trade or industry by the municipal valutors, as a distinct property. How annual value is to be estimated.

**27.** The town council may, further, by by-law or resolution, compel the following persons to obtain a license or permit from the corporation for carrying on any business trade, or industry in the municipality, and prevent them from carrying on such business trade, or industry without such license or permit, to wit :

1. Every broker or banker, trader, wholesale or retail merchant, photographer, hotel-keeper, every telegraph, telephone, insurance or manufacturing company ; Brokers, &c

2. Every carter or common carrier ; Carters, &c.

3. Every wheelwright, blacksmith, cabinet-maker, baker, tanner, tinsmith, jeweller, confectioner, printer, binder, tailor, shoemaker, barber, and every manufacturer ; Wheelwrights, &c.

4. Every butcher and other person retailing meat in the town. Butchers, &c.

The meat offered for sale by every butcher or other person not provided with a license, may be confiscated for the benefit of the corporation by a warrant or written order signed by the secretary-treasurer and addressed to a bailiff or constable, who shall thereupon immediately seize and confiscate such meat. Confiscation of meat, &c, offered for sale by butcher without license.

No such license can be given for a longer period than twelve months and expires on the first of May in each year. Duration of license.

The price fixed for licenses issued for the above purposes shall be proportionate to the amount of business, How price of license to be fixed.

Amount limited. trade or industry, in the discretion of the town council, provided such price does not, in any case, exceed the sum of thirty dollars.

Peddlers. The council may also compel every peddler exercising his calling in the town to take out a license not to exceed ten dollars.

Penalty for not taking out license. **28.** Every person who contravenes the provisions of the preceding article, which compels him to provide himself with a license, incurs a penalty for each contraction of twenty dollars and an imprisonment not exceeding thirty days, in default of payment of the fine and costs within fifteen days from the judgment, in accordance with article 1049 of the Municipal Code, which fully applies thereto.

How fines are recoverable. **29.** The fines imposed under this act and the by-laws of the town are recovered in accordance with the provisions of the Municipal Code.

How taxes are recoverable. **30.** The taxes imposed in virtue of articles 25 and 26 are levied in accordance with articles 954 and following of the Municipal Code, in so far as herein provided for.

How dues and taxes for licenses are recoverable. **31.** All dues and taxes imposed by a permit or license are payable at the office of the secretary-treasurer without any demand therefor being necessary, and, in default of immediate payment, the said dues and taxes may be levied by a writ of seizure, signed by the secretary-treasurer or by a justice of the peace, addressed to a bailiff and executed by the latter under his oath of office, according to the same rules, under the same penalties and with the same effect as a writ of execution, *de bonis*, issued by the Circuit Court. The person signing such warrant incurs no personal liability.

Suit for taxes, &c. **32.** All municipal dues and taxes may also be recovered by a suit taken out in the name of the corporation before any competent court of civil jurisdiction, according to the amount claimed.

Prescription of taxes, &c. **33.** Arrears of taxes, assessments or other dues are prescribed by five years, any law to the contrary notwithstanding.

#### VI.—SALE OF IMMOVEABLES LIABLE FOR TAXES.

Sales of lands for taxes. **34.** The sale of immoveables liable for taxes is held in accordance with the following provisions, and those of the Municipal Code shall apply only for the cases not provided for hereby.

**35.** The secretary-treasurer shall sell or cause to be sold, each year, at the office of the council or at any other place fixed by the council, on the first Wednesday of September in each year, at the hour of ten in the forenoon, in the manner hereinafter prescribed, the immoveables on which municipal taxes or assessments are due and are exigible since at least four months.

When lands are to be sold for taxes.

**36.** In the month of May of each year, the secretary-treasurer shall prepare a list or table giving :

List to be prepared in May, giving :  
Description of property ;

1. The description, as set forth in the valuation roll or other summary description, of all the immoveables situate within the municipality on which taxes or other municipal rates are due and exigible since at least four months, with the names of the owners thereof, as indicated on the valuation roll.

2. Opposite the description of such immoveables, the amount of the taxes or rates due and affecting such immoveables.

Amount of taxes due.

**37.** This list is accompanied by a public notice, which shall be posted up in the council room in the month of May, announcing that such immoveables shall be sold at public auction, at the place where the council holds its sittings or at any other place fixed by the council, on the first Wednesday of September following, at the hour of ten in the forenoon, in default of the payment of the municipal taxes and rates affecting the same and the costs incurred.

Notice to accompany list, and posting thereof.

**38.** The council may, by resolution, at any time before the sale, prevent the sale of such of the said immoveables as it may deem advisable, in the interest of the corporation, to except from such sale.

Any property on list may be withdrawn from sale.

**39.** The secretary-treasurer shall, in the course of the month of July, in each year, give public notice, in the usual manner of the day, hour and place at which such sale shall be held.

Notice to be given in July of the day, hour and place of sale.

Such notice, as well as the copies thereof, which shall be posted up, shall respectively be accompanied by a copy of the list of immoveables to be so sold and a statement of the amount of municipal taxes and rates, and of the costs due on each immoveable respectively.

Notice to be accompanied by copy of list of immoveables to be sold, with amount due thereon.

A similar notice, with the accompanying lists, shall be published twice in French and in English in the Quebec Official Gazette in the month of July preceding the sale.

Publication in Official Gazette.

**40.** The secretary-treasurer is bound to give, during the month of June, a special notice to every person whose property is to be sold, by a registered letter mailed to the address of such person.

Special notice to proprietors.

- Proceedings at sale.** **41.** At the time indicated for the sale, the secretary-treasurer, or some other person acting in his name, sells separately, to the highest and last bidder, the immoveables described in the list on which municipal taxes or rates are still due, after having made known the amount to be levied on each of them, including the costs incurred for such sale.
- Costs, how apportioned.** The costs of advertizing and publication are equally apportioned upon each immoveable ordered to be sold.
- Adjudication.** **42.** Whosoever offers thereupon to pay the highest price and is the last bidder, becomes the purchaser of the immoveable so put up for sale; the said immoveable is immediately adjudged to him by the secretary-treasurer or any other person holding the sale.
- Price to be paid at once.** The purchaser is bound to pay the price of the immoveable immediately after the adjudication thereof.
- If not, immoveable to be again put up or sale adjourned for eight days.** In default of the immediate payment thereof, the secretary-treasurer or the person holding the sale, at once puts the immoveable up again at auction, or adjourns the sale for eight days, by giving notice of such adjournment to all the persons present in a loud and intelligible voice.
- Effect of payment of price.** **43.** Upon payment by the purchaser of the amount of his purchase, he is at once seized with the ownership of the immoveable adjudicated to him and is entitled to take possession thereof, subject to the right of redemption which may be exercised within six months from the day of adjudication.
- Rights of purchaser.**
- Proviso.** During that time no change can be made which might deteriorate the property sold.
- Redemption of lands, &c., sold.** **44.** The proprietors of the immoveables sold or any other person 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, who shall re-assume his rights.
- When and how redemption may be effected.** The redemption can only be effected during the six months following the date of the sale, by paying into the hands of the secretary-treasurer the amount of taxes and costs due at the time of the sale, with legal interest on the price of the adjudication, and by paying to the purchaser the amount necessarily expended for preserving the immoveable.
- Deposit of surplus, after payment of taxes, &c.** **45.** If, after the sale of any property, any money remains out of the price of adjudication after the municipal rates, taxes and costs have been paid, the surplus is deposited by the secretary-treasurer in the town treasury to be finally handed over after the redemption, with interest, to the purchaser on his applying for the same.

**46.** If the redemption be not effected and if a surplus exist, the secretary-treasurer shall draw up a report of distribution according to the claims filed in his hands. Report of distribution of surplus.

He gives public notice to the effect that such report of distribution has been prepared, and if, within eight days after the notice has been given, no contestation in writing is filed with him, he pays the moneys according to such report of distribution. Notice of preparation to be given.

If any contestations are filed, he forwards them to the office of the Circuit Court of the district. Contestation to be forwarded to Circuit Court.

They are summarily submitted to the judge of the Superior Court in Chambers who renders judgment thereon ; and, on the report of distribution in a summary manner. How decided.

The secretary-treasurer shall then pay the money in accordance with the judge's order. Payment on judge's order.

**47.** If, within six months from the date of the adjudication, the property sold has not been redeemed, the purchaser remains the irrevocable owner thereof, and, upon payment of all municipal taxes which have become due and payable on such property in the interval, such purchaser is, at the expiration of six months, entitled to a deed of sale of such property from the corporation. If property not redeemed. Deed of sale to be given to purchaser.

**48.** The deed of sale is executed in the name of the corporation ; it is signed by the mayor and the secretary-treasurer. How executed and signed.

The costs of the deed and of the registration thereof are paid by the purchaser to the secretary-treasurer before the execution of such deed of sale, which the secretary-treasurer is bound to get registered. Costs by whom paid.

**49.** Such sale has the same effect as a sale by authority of justice. Effect of sale.

**50.** The corporation may bid upon such immoveables and become the purchaser thereof, through the mayor or any other person authorized by the council, without being obliged to pay the price of sale immediately. Corporation may bid, &c.

**51.** A list of the immoveables sold, containing the names and residences of the purchasers, and the price of sale, shall be made within a delay of fifteen days from the sale by the secretary-treasurer, who shall, without delay, give special notice to the owners or occupants of such immoveables of the sale which has been made. Special notice to be given to original owners of sale and names and residences of purchasers, price, &c.

**52.** The action to set aside a sale of an immoveable under the provisions of this act or the right to set up the illegality thereof is prescribed by one year from the date of the adjudication. Prescription of action to set aside sale.

If sheriff also  
advertize same  
immoveable  
for sale.

**53.** If an immoveable described in the list published under the provisions of this act is announced to be sold by the sheriff, the secretary-treasurer cannot sell such immoveable.

Council may  
sell for taxes,  
&c., already  
due, etc.

**54.** The right and power of the council to cause immoveables to be sold as above set forth, exists not only as regards taxes which may hereafter become due, but also the recovery of arrears of municipal taxes and rates due and exigible before the sanction of this act.

Tariff of fees,  
&c., until  
council fixes  
tariff.

**55.** Until such time as the council has made a tariff for the costs occasioned by such sales, such costs shall be one dollar and fifty cents, in addition to the cost of advertisement and notice, for the sale of each immoveable, one dollar for the deed of redemption, one dollar for the deed of sale, and two dollars for the report of distribution.

How sales of  
moveables and  
immoveables  
to be stopped.

**56.** Seizures or sales of moveables or immoveables under this act can be suspended and stopped only upon an order of a judge of the Superior Court, given on a petition, presented in chambers, accompanied by a declaration under oath and *prima facie* proof that the allegations of the petition are well founded and justify the suspension of such seizures and sales.

Service of pe-  
tition.

The said petition shall be served upon the corporation at least two days before being presented to the judge.

Proceedings  
summary and  
without ap-  
peal.

The proceedings on such petitions are summary.

There is no appeal from the judgment.

Coming into  
force.

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

### CAP. LXXXIII.

An Act to amend the acts relating to the corporation of the Town of Côte Saint-Antoine.

[Assented to 30th December, 1890.]

Preamble.

**WHEREAS** it is expedient to revise and amend the provisions of the several acts of the Legislature of Quebec, relating to the Town of Côte Saint-Antoine and to vest certain powers in the said corporation ;

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

53 V., c. 76, s.  
1, replaced.

**1.** Article 1 of the act 53 Victoria, chapter 76, is replaced by the following :