

CAP. LXXIV.

An Act to incorporate the the town of Buckingham.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS the provisions of the Municipal Code do not meet the present wants of the corporation of the village of Buckingham, and it has become necessary to make more ample provision for the management of the said village ; whereas the inhabitants of the same are desirous that they should be incorporated as a town, and have a special act of incorporation, and have so petitioned, and whereas it is expedient to grant the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

TITLE I.

INCORPORATION OF THE TOWN.

SECTION 1.

INCORPORATION AND GENERAL POWERS OF THE TOWN.

Inhabitants
incorporated.

1. The inhabitants of the territory hereinafter described and their successors shall be and are hereby declared to be a body politic and corporate, by the name of the " Corporation of the town of Buckingham," and by that name, they and their successors, shall have perpetual succession, and shall have power to sue and be sued, to plead, and to be impleaded in all courts, and in all actions, causes and suits whatsoever.

Name and
general
powers.

And shall have a common seal with power to alter, and modify the same at their pleasure.

Seal.

Power to hold
etc., property,
etc.

They shall in law be capable of receiving by donation, of acquiring, holding, and disposing of, by any title or in any manner whatsoever, any property real or moveable, for the use or benefit of the said town ; of becoming parties to any contracts or agreements in the management of the affairs of the town, or for its benefit, and of giving, endorsing or accepting any notes, bonds, drafts or other instruments or securities for the payment of any sum of money or in discharge, recognition, or execution, of any right or obligation whatsoever ; and of borrowing money for any purpose, within the jurisdiction of the council of the said town, either upon debentures, or by hypothecating the immoveable property of the town for that purpose.

SECTION II.

TEMPORARY PROVISIONS.

2. All municipal acts, by-laws, ordinances, rolls, reports, agreements, dispositions and engagements whatsoever, passed and entered into by the municipal council of the village of Buckingham, as heretofore existing, shall continue to have full force and effect, as if passed and agreed to by the council of the town of Buckingham, as hereby constituted, until such time as they are formally rescinded, abolished, or amended by the council of the said town, or fulfilled.

Existing by-laws, etc., of village continued in force.

The said corporation of the town of Buckingham shall succeed to, and be substituted in all the engagements, rights, debts and obligations of the corporation of the village of Buckingham as now existing.

Corporation of town to succeed to that of village.

3. The mayor and councillors of the said village of Buckingham shall remain in office until the elections under this act have taken place, and shall discharge their functions as though they had been elected under this act.

Mayor, etc., of village of to remain in office for certain time.

All municipal officers of the said village of Buckingham shall continue in office until their successors are chosen or appointed under this act.

Municipal officers continued in office.

SECTION III.

BOUNDARIES.

4. The town of Buckingham shall comprise all that tract of land known as lots number nine, ten, eleven, and the east half of twelve in the fourth range, and the south half of lot ten in the fifth range, and all that part of the south half of lot eleven in the fifth range, lying on the east side of the river du Lièvre, all in the township of Buckingham, in the Province of Quebec.

Territory of town.

TITLE II

TOWN COUNCIL.

SECTION I.

ORGANIZATION OF THE COUNCIL.

5. The municipal council shall be composed of seven councillors, who shall be elected for three years, except in the case provided for in article 4197 of the Revised Statutes of the Province of Quebec, and except also in the case provided for in the following article.

Composition of the council. Term of office.

Retiring from
office of first
councillors.

6. Of the seven councillors elected at the first general election under this act :

1. Two must be replaced at the time of the next general municipal election ;

2. Two others at the same period in the year which follows that last mentioned ;

3. The three last, also, at the same period in the following year.

And so on, in such manner that two councillors must be elected or appointed two years consecutively, and three every three years.

Councillors to
retire to be
chosen by lot.

7. The councillors who shall retire the first and second years after the first general election under this act must be selected by lot, at a session of the council in the month of December preceding the general election at which they are to be replaced.

If council
neglect to
make such
choice.

If the council shall neglect to proceed to draw such lots, the officer presiding over the election may do so, on the day of nomination of councillors, and immediately after the opening of the meeting.

Qualification
of councillor.

8. No one shall be elected or appointed a member of the council nor act as such, if he has not resided within the limits of the municipality for at least one year, or had a place of business therein for the same time, and if he does not possess therein in his own name, or in the name and for the benefit of his wife, as proprietor, real estate of the value of at least eight hundred dollars, over and above all charges and hypothecs affecting the same, according to the valuation roll in force for the time being.

Appointment
of mayor.

9. At the first session after any general election of councillors the members of the council must appoint as mayor of the corporation, any one of the councillors possessing the necessary qualification.

Quorum of
council.

10. The quorum of the council shall be four members.

Term of
office of
mayor.

11. The mayor remains in office from the moment he takes the oath of office, until the appointment of his successor, provided he remains in the council.

Vacancy in
office of
mayor.

In case of any vacancy in the office of mayor, the senior member in age of the council shall act as mayor *pro tempore*.

SECTION II.

ELECTIONS OF COUNCILLORS.

When general
elections
to be held.

12. The general elections shall take place on the second Monday in the month of January of every year, at ten of the clock in the forenoon.

13. The first general election under this act shall be held on the second Monday in the month of January now next, and shall be presided over by the secretary-treasurer of the present village of Buckingham, upon whom, for the purpose thereof, are hereby conferred all the powers conferred by title XI, chapters first and second of the Revised Statutes of the Province of Quebec, on the secretary-treasurer of the town council.

First general election when to be held, etc., by whom to be presided over. Powers of presiding officer.

The said election shall be held at the usual place of meeting of the council of the village of Buckingham.

Where election shall be held.

14. After having opened the meeting of the electors for the nomination of councillors, the presiding officer shall receive, and place in nomination the names of all persons handed in, in writing, by at least five municipal electors.

Nomination of candidates.

The presentation must be made by electors of the ward for which the candidate is proposed.

Who may nominate.

15. If, one hour after the opening of such meeting, there have been and remain nominated for the office of councillor, in one or more wards, more persons than there are councillors to be elected therefor, it shall be the duty of the presiding officer to grant a poll for such ward or wards, which poll shall be held without delay.

Polling, if contestation.

16. The poll shall be opened at eleven o'clock in the forenoon and closed at five o'clock in the afternoon of the same day ; nevertheless, if at that hour the votes of all the electors present have not been polled ; the election is adjourned to the hour of ten in the forenoon of the following day, for the purpose of proceeding with the polling of such votes.

Opening and closing of poll.

Proviso, if all votes not polled.

17. The election must be closed at five o'clock in the afternoon of the second day.

Closing of poll on second day.

18. All hotels, taverns and saloons shall close their bars during the days of election, under a penalty of fifty dollars or imprisonment in the common gaol for three months, in default of payment.

Hotels, etc., to close their bars during election day.

SECTION III.

SESSIONS OF THE COUNCIL.

19. The first session of the council, to be elected under this act, shall be held on the Monday next after the closing of the election, in the usual meeting place of the council of the village of Buckingham ; such session shall be a general session of the council.

First session of council when and where to be held.

General and
ordinary ses-
sion when to
be held.

20. The council shall further hold general or ordinary sessions on the first Monday of each month, and at such other times as may be provided by the council.

TITLE III.

POWER TO MAKE BY-LAWS.

Additional
power to
make by-laws
for :

21. The town council may, in addition to those mentioned in the Revised Statutes of the Province of Quebec title XI, chapters first and second, make by-laws for the following purposes ;

Good order,
etc., of town :

1. For the good order, welfare, improvement, cleanliness, health, internal economy and local government of the said town, and for the prevention and suppression of all nuisances, and all acts and proceedings in the said town obstructive, opposed or disadvantageous to the good order, welfare, improvement, cleanliness, health, internal economy or local government of the said town, and for the better protection of the life and property of the inhabitants ;

Taxing real
estate ;

2. To 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 of administration, or for any special purpose, within the limits of the powers of the council of the said town ;

Levying
money for
any purpose
within power
of council
upon persons
benefited by
work, etc. ;

3. To levy, by means of direct taxation, the funds required for any purpose whatever, within the powers of the council, upon all taxable property, or only upon taxable real estate in the town, of persons who, in the opinion of the council, have an interest in any public work, under the direction of the council of the said town, and benefit by such work, all the sums necessary to meet the construction, and maintenance of such work ;

Levying
money for any
purpose
within power
of council
upon persons
mentioned
in petition
requiring any
work, etc. ;

4. To levy, by means of direct taxation, the funds required for any purpose whatever, within the powers of the council, upon all taxable property, or only upon taxable real estate, within the limits of the said town, upon petition of the majority of the rate-payers, owners of real estate, being liable for such tax, to the amount and upon the conditions set forth in the petition ;

Levying taxes
upon tenants :

5. To levy, annually, upon every tenant who pays rent, a sum not exceeding three cents on the dollar upon the amount of such rent ;

Levying per-
sonal taxes ;

6. To levy, annually, upon the male inhabitants of the age of twenty-one years, and over, resident in said town, and not otherwise taxed, a sum not exceeding one dollar ;

Levying taxes
upon real
estate ;

7. To levy, annually, on immoveable property within the limits of the said town, a sum not to exceed three

cents in the dollar on the whole value, as entered in the valuation roll of the said town ;

In case any person or persons shall come, temporarily, into the said town to dispose of any bank-rupt, or other stock of goods, wares or merchandize, either at public auction or private sale, the council may, by resolution passed as soon as convenient, levy on such person or persons, a fee or tax of not less than twenty dollars, and not more than one hundred dollars for the sale of the said goods, so brought into the said town, and exposed for sale therein ; such tax to be payable by such person or persons on demand, and if not paid when so demanded, the same may be collected by distress-warrant, issued under the hand of the mayor or acting mayor, immediately after such failure to pay, and the said goods may be attached and shall be held for the payment of the same ;

8. To levy, annually, for every dog or bitch kept by persons residing in the said town, a tax of not less than one dollar, and not more than three dollars ; and if the proprietor or harbinger of any dog or bitch shall fail to pay the said tax, when legally notified to do so, then it shall be lawful for the said council to sue the proprietor or harbinger of any dog or bitch for the tax imposed ;

9. To levy, annually a tax of not less than twenty dollars nor more than two hundred dollars, on every proprietor or occupant of every house of public entertainment, tavern, hotel, coffee-house, and eating-house, where spirituous, vinous, or fermented liquors are sold, and on every dealer in spirituous, fermented, or intoxicating liquors, and on every proprietor, possessor, agent, manager and keeper of a theatre, menagerie, circus, billiard-room, ten-pin-alley or other place for games or public amusements of any kind whatsoever, and on every auctioneer, and pawn-broker ;

10. To establish and regulate public markets and butchers and hucksters private stalls, and to regulate or license the sale of fresh or salt meats, vegetables, fish or other articles usually sold in markets, and to fix and determine the duties or fees to be paid by any person selling on or in any such places any provisions or produce whatever ;

11. To restrain, regulate, or, if thought advisable by the council, to prohibit the sale of spirituous, alcoholic or intoxicating liquors within the limits of the town.

TITLE IV.

MISCELLANEOUS PROVISIONS.

SECTION I.

LIMIT TO DEBTS.

22. The council of the said town may, of itself, contract debts for a sum not exceeding one cent in the dollar of

Transient
traders' tax;

Levying tax
upon dogs
etc. ;

Levying taxes
upon certain
persons,
trades, etc. ;

Establishing
public mar-
kets, etc. ;

Regulating,
etc., sale of
spirituous
liquors.

Power to con-
tract debts to

certain
amount.

the total valuation of the taxable property of the said town.

SECTION II.

A SEPARATE SCHOOL MUNICIPALITY.

Town to be
a separate
school muni-
cipality.

23. The town of Buckingham shall be and is hereby declared to be, from and after the coming into force of this act, a separate school municipality, the same as is the village of Buckingham.

SECTION III.

SALE OF LANDS FOR TAXES.

When real
estate in
arrear for
taxes to be
sold.

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

Notice of sale
and publica-
tion thereof.

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

Contents of
notice.

Such notice shall contain :

- a. The name of the last owner or occupant, if such owner or occupant be known ;
- b. The description of the immoveables to be sold ;
- c. The amount claimed for arrears of taxes ;
- d. The place, day and hour, at which the sale shall be made.

Proceedings,
if price not
paid at once.

26. In default of immediate payment of the purchase money, the secretary-treasurer shall forthwith again put up the property for sale, or shall adjourn the sale to another date within the following eight days, by giving notice in a loud and intelligible voice to the persons present.

Postponement
of sale, if no
bids.

If no bid be made, the sale shall also be postponed in the same manner to another date within the eight days following.

Certificate,
upon pay-
ment of pur-
chase money.

On the payment of the purchase money, the secretary-treasurer shall set forth all the details in a certificate made out in duplicate, one of which shall be delivered to the purchaser.

Adjudication.

Whosoever then offers to pay the amount to be levied, including costs, for the smallest portion of the land, shall become the purchaser thereof, and such portion of the land shall be adjudged to him on the spot by the secretary-treasurer.

The purchaser is thereupon seized with the ownership of the property adjudged, and may take possession of the same, subject to the right of redemption which may be exercised as hereafter provided; but within two years from the sale, the purchaser shall not remove the wood, buildings, or constructions which may exist upon the property sold, nor deteriorate it in any manner.

Effect of certificate and rights of purchaser.
Proviso.

27. The owner, or any one for him, may, within the same delay of two years, redeem the immoveable sold, by paying to the secretary-treasurer the purchase money with interest at fifteen per cent per annum, every fraction of a year to count, or be reckoned as a year, as regards the first year only.

Redemption of land sold.

28. Any person, whether authorized or not, may redeem such land in the same manner, but only in the name, and for the benefit of the person who was the proprietor thereof at the time of the adjudication.

Land to be redeemed in name of owner.

If the right of redemption be not exercised within two years, the secretary-treasurer shall deliver to the purchaser a deed of sale of the immoveable, which shall be registered by and at the cost of the purchaser.

Deed of sale to be given if property not redeemed.

29. The action to set aside a sale is prescribed in two years from the date of sale; but such sale may be rescinded, and set aside by consent of the council, of the owner and purchaser, within the same delay.

Prescription of suit to set aside sale.

30. The sale so effected is final; it has the same effect and transfers the same rights as ordinary judicial sales.

Effect of sale.

SECTION IV.

USE OF BOTH LANGUAGES.

31. All by-laws, and public notices shall be published in the English and French languages.

By-laws and notices to be in English and French. Both languages may be spoken in council.

In the sessions of the council, every person entitled to be heard may speak in either the French or English languages.

The books, registers, and other proceedings of the municipal council shall be written in the English language.

Registers, etc., to be in English.

32. No assistant secretary-treasurer shall be appointed, unless the town council has first passed a resolution accepting the person to be appointed.

Appointment of assistant secretary-treasurer.

TITLE V.

PRESERVATION OF THE PEACE.

SECTION I.

APPOINTMENT OF POLICE OFFICERS.

Appointment
of police
force.

33. It shall be lawful for the town council, by a resolution passed to that effect, to appoint, dismiss, and replace, from time to time, when occasion shall require, a sufficient number of men to compose the police force of the said town.

Men to be
sworn be-
fore justice of
peace.

34. Such men shall be sworn before any justice of the peace for the district of Ottawa, to act as police officers in order to preserve peace within the town. •

Police to
obey orders
etc., from
council, etc.

35. The said police officers or constables shall obey all legitimate orders they may receive from the council, from any of its members individually, or from any justice of the peace of the district of Ottawa;

SECTION II.

POWERS OF POLICE OFFICERS.

Powers of
police con-
stables.

36. All and every such police officer or constable aforesaid shall be vested with all the necessary powers for the accomplishment of all duties imposed upon them;

Powers to
arrest, etc.,
within limits
of the town,
etc.

It shall be lawful for them to arrest, on view and without any warrant, any person they may find breaking the public peace, or lying or loitering either during the night or day-time in any highway, field or yard, or other place, or lodging or sleeping in any barn, out-house, or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk or causing tumult in the public road, or highways, wharves, bridges, or any part of the bank of the River du Lievre within the limits of the said town, by shouting, swearing or otherwise, and all persons contravening any federal or provincial law or any by-law of the town, and in like manner all person aiding or encouraging any person whomsoever to contravene any such federal or provincial law, or any such by-law of the said town.

Powers to
arrest, etc.,
without the
limits of the
town.

37. The said police officers shall also have the power and authority to arrest, even without the limits of the said town, all persons who shall have contravened any federal or provincial law or any by-law of the said town, or who shall have aided or encouraged any person whomsoever to contravene any such federal or provincial law, or any such by-law:

38. They shall have power and authority to serve all summonses and subpoenas, and execute all warrants and other proceedings for the arrest and the confinement in gaol of all persons accused or remanded for subsequent examination or for trial, or arrested in virtue of a warrant of arrest for the commission of any crime or misdemeanor, or the violation of any federal or provincial law, or any by-law of the said town. Power to serve summons, etc.

39. Any police officer or constable of the town shall also have the power and authority to go into every inn, hotel and into every shop licensed for the sale of spirituous, vinous or fermented liquors, to ascertain if the laws regulating such houses, or the by-laws which the council may pass respecting the same, be faithfully observed, and to arrest, on view, and without a warrant all such persons whom they may find in such houses contravening any laws or by-laws. Power to enter inns, etc., for certain purposes. To arrest persons contravening by-laws.

40. It shall be lawful for the said police officers or constables, at any time to go into every store-house, shop or other house not licensed for the sale of spirituous, vinous or fermented liquors, wherein they shall suspect such liquors are sold, and to arrest, with a warrant, every person contravening the laws prohibiting the sale of spirituous, vinous or fermented liquors without license. Power to enter store houses, etc., if they suspect liquors are sold, etc. Power to arrest persons contravening laws respecting sale of such.

41. Any such person, so summarily arrested, shall be immediately conveyed to the prison of the district of Ottawa, or to the place of confinement established in the town of Buckingham, there to be safely kept, until he may be taken before the mayor, or one or two justices of the peace; but such person so arrested may give bail or a sufficient recognizance, to be taken or received by the said mayor or justice of the peace, and shall appear on the day appointed before the said mayor or justice or justices of the peace. Imprisonment of persons arrested. Bail may be given.

42. The constables or police officers shall have power and authority to serve all special notices and to publish all public notices in accordance with the various provisions of this act, and they shall certify to the correctness thereof under their oath of office, without being obliged to take a special oath to that effect. Power to serve special notices, etc.

TITLE VI.

FINAL PROVISIONS.

43. The fourth paragraph of article 4216, the second paragraph of articles 4229 and 4230, article 4231, the Certain articles of R. S. Q. not to apply, etc.

second paragraph of article 4234, articles 4238, 4239, 4240, 4414 and of the Revised Statutes of the Province of Quebec are expressly excepted, and shall form no part of the laws governing the corporation of the town of Buckingham, and the other articles of the general act shall be so read as to be consistent with the provisions of this act.

Powers given
by act to be
supplemen-
tary to
powers given
by R. S. Q.,
title XI, chaps.
1 and 2.

44. The powers, herein conferred on the said corporation of the town of Buckingham, are, however, to be regarded as supplementary of those given in the Revised Statutes of the Province of Quebec, title XI, chapters first and second.

Coming into
force.

45. The present act shall come into force on the day of its sanction.

C A P . L X X V .

An Act to incorporate the town of Côte St. Louis.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS the corporation of the village of Côte St. Louis has prayed to be incorporated as a town, in accordance with the provisions of chapter first of title eleventh of the Revised Statutes of the Province of Quebec ;

Whereas it is in the interest of the rate-payers of the said village that the said petition 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.

Certain terri-
tory consti-
tuted into a
town.

Name.

Name of cor-
poration.

1. The territory comprised within the present limits of the village of Côte St. Louis is constituted a town municipality, under the name of " Côte St. Louis " and the inhabitants of the said village are constituted a town corporation, under the name of the " corporation of the town of Côte St. Louis "

R. S. Q., art.
4178 to 4615
apply if not
inconsistent.

2. The corporation of the town of Côte St. Louis, is subject to the law governing town corporations, contained in chapter 1 of title XI (articles 4178 and following) of the