

## CAP. LXXXII.

An Act to amend the act 43-44 Victoria, chapter 62, intituled "An Act to amend and consolidate the act of incorporation of the town of Saint John's and the several acts amending the same, and the act 44-45 Victoria, chapter 74, intituled: "An Act to amend the charter of the town of St. John's, 43-44 Victoria, chapter 62."

[Assented to 12th July, 1888.]

**W**HEREAS it is expedient to amend the act 43-44 Vic- Preamble.  
toria, chapter 62, as well as the act 44-45 Victoria,  
chapter 74, and also to grant further powers to the corpora-  
tion of the town of Saint John's, and whereas the said  
corporation has, by its petition, prayed for such changes  
and it is expedient to grant its prayer; Therefore, Her  
Majesty, by and with the advice and consent of the Legis-  
lature of Quebec, enacts as follows :

**1.** Section 11 of the act 43-44 Victoria, chapter 62, is here- 43-44 V., c.62,  
by repealed. s. 11 repeal-  
ed.

**2.** Section 12 of the said act 43-44 Victoria, chapter 62, 43-44 V., 63, s.  
is replaced by the following: 15 replaced :

" 12. No person shall be capable of being elected Qualification  
mayor or councillor of the town of Saint John's, unless of mayor and  
he be a natural born or naturalized subject of Her councillors.  
Majesty, and of the full age of twenty-one years ; and no  
person being in Holy Orders, nor the ministers of any reli-  
gious belief whatever, nor the members of the executive  
council, nor judges, sheriffs, or clerks of any court of justice  
or their deputies, nor officers on full pay in Her Majesty's  
army and navy, nor salaried civil functionaries, nor any  
person accountable for the revenues of the said town, nor  
the servants or employees of the town receiving a  
monthly or annual salary, nor any officer or person pre-  
siding at the election of the mayor or councillors, while  
so employed, nor tavern-keepers, inn-keepers, restaurant  
keepers nor keepers of houses of public entertainment, who  
are actually so, or have been so during the previous twelve  
months, nor any person who shall have been convicted  
of treason or felony in any court of justice, within any of  
Her Majesty's dominions, nor any person having, in person  
or through his partner, any contract whatever, or interest  
in any contract with or for the town, shall be capable  
of being elected mayor or councillor for the town ;  
provided always that no person shall be held incapable of  
acting as mayor or councillor for the town, from the  
fact of his being a shareholder in any incorporated com- Shareholder  
pany, which may have a contract of agreement with the of companies  
said town." having con-  
tracts with  
corporation  
not disquali-  
fied.

43-44 V., c. 62,  
s. 15, replaced.

**3.** Section 15 of the act 43-44 Victoria, chapter 62, is replaced by the following :

Qualification  
of voters.

" 15. The persons entitled to vote at the municipal elections of the town, shall be: the male inhabitants, freeholders and householders, of the age of twenty-one years, and borne on the valuation roll, and possessed, at the time, of real property in the town, of the assessed value of one hundred dollars; and also tenants of the age of twenty-one years, who shall have resided in the town, and paid rent during the six months immediately preceding the election, and who shall have been borne on the valuation roll for a sum of not less than eighteen dollars per annum for a dwelling house or part of a dwelling house, or place of business, shop or store; also persons borne on the valuation roll who shall have resided in the town during the six months immediately preceding such election, being of the age of twenty-one years, who, occupying a lot of ground in the said town, shall have built a house, the annual value of which is eighteen dollars; provided always, that no person, qualified to vote at any municipal election, shall have the right of having his vote registered, unless he shall have paid his municipal and school taxes then due, on or before the nomination day.

Proviso, as to  
pay event of  
taxes.

To vote, pay-  
ment of taxes  
to be proved,  
if required,  
how proven.

It shall be lawful for any municipal elector to require the production of the receipt from the secretary-treasurer of the town, establishing the payment of such assessments so due as aforesaid; and in any case where the elector has lost his receipt, he shall then produce a certificate, which the secretary-treasurer shall give him to enable him to vote, establishing the payment of such taxes within the above mentioned delay, and, in default of his producing such receipt or certificate, the said elector shall not be able to vote at such election."

43-44 V., c. 62,  
s. 16, replaced:

**4.** Section 16 of the said act 43-44 Victoria, chapter 62, is replaced by the following :

Electors to  
vote in wards  
in which they  
are qualified.

"16. Every elector, duly qualified to vote at the municipal elections of the town, may vote for the mayor and for the council or councillors only who are to be elected in the ward or wards in which such elector is qualified to vote "

43-44 V., c. 62,  
s. 91 and 44-45  
V., c. 74, s. 11  
replaced :

**5.** Section 91 of the said act 43-44 Victoria, chapter 62 and section 11 of the act 44-45 Victoria, chapter 74, are replaced by the following :

By-law grant-  
ing aid to fact-  
ories, railways  
&c.

"91. The council may also, any law to the contrary notwithstanding, for the purpose of encouraging the establishment of manufactories in the town of Saint John's, or for the purpose of securing the passing or locating of railways within the limits of the town, grant, or guarantee by by-law, to certain manufactories, or railway companies, loans

in money, bonuses or gratuities in money or in real estate, under such conditions and guarantees as it may deem proper; but such by-law shall only have force and effect when it shall have been approved by two-thirds of the freehold proprietors, being electors, of the town who shall have voted on the by-law; provided the said two-thirds represent at least two-thirds in value of the real estate, assessable by law and paying taxes, of the proprietors who shall have so voted.

To be submitted to vote and to be approved of two-thirds of freeholders representing two-thirds in value of the real estate.

The said by-law shall be submitted for the approval of the electors in the manner prescribed by section 110 of this act, *mutatis mutandis*.

Manner of submitting such by-law.

No person, having a share or an interest in the manufactory or railway company to be benefitted by such by-law, shall vote in favor thereof.

Interested persons not to vote.

In the event of such manufacturers or companies not fulfilling or ceasing to fulfil the conditions and guarantees imposed upon them by such by-law, the council may recover the loan, bonus or gratuity so granted or the value thereof by privilege upon the moveables and immoveables of such manufacturers and companies as in the case of a municipal tax and with the same priority.

In cases of default by manufacturers or companies, council may recover amount given; its privilege on moveable and immovable. Levy of special to meet payment of loan, etc.

The council shall have the right to levy a special tax to meet the payment of such loan, bonus or gratuity."

6. Section 98 of the said act 43-44 Victoria, chapter 62, is amended, by striking out section 355 of the Town Corporations' General Clauses Act, which section 355 shall not apply to the town of Saint John's, but the debts of the town shall not exceed twenty per cent of the valuation of such real estate paying taxes in the said city.

43-44 V., c. 62 s. 98, amended: Limitation of debts.

7. The first and second paragraphs of section 110 of the said act 43-44 Victoria, chapter 62, are replaced by the following:

43-44 V., c. 62, s. 110, §§ 1 and 2, replaced:

"110. Every by-law of the council for the purpose of effecting loans increasing the public debt of the town shall have force and effect, after it has been unanimously approved by the freehold electors of the town present at the meeting hereinafter mentioned; and such approval shall be deemed to be unanimous at such meeting if there are not six electors, being freehold proprietors, who object thereto.

Loans increasing the public debt of the town must be approved of by freeholders.

Every such by-law shall also have force and effect in the case of a vote, as hereinafter specified, after having been approved by the majority of the freehold proprietors resident and non-resident who are electors of the town, and who shall have given their vote in the manner hereinafter set forth, within thirty days from the passing of such by-law; provided such majority be two-thirds in number and represent

When to come into force.

- two-thirds in value of the real estate, assessable by law and paying taxes, of the said proprietors who have so voted.
- Manner of approval. Such approval shall be expressed at a general meeting presided over by the mayor, or, in his absence, by the senior councillor, or by the pro-mayor of the town, the secretary-treasurer acting as secretary.
- Meeting how called. Such meeting shall be duly convened by notice signed by the mayor or secretary-treasurer, published and posted up in the manner prescribed for the publication and posting up of public notices, required by the provisions of this act for the publication of by-laws.
- If six electors object, poll to be held and when, etc. If there are six municipal electors, qualified to vote on such by-law, who object thereto and require the holding of a poll to establish such majority, the holding of a poll shall be granted upon such application, by the mayor, or, in his absence, by the councillor presiding or the pro-mayor, and shall take place within the four days immediately following such meeting, the secretary-treasurer acting as poll-clerk under the direction of the mayor, of the councillor presiding, or of the pro-mayor, as the case may be."
- 44-45 V., c. 74, ss. 14, 17 and 22, repealed. **8.** Sections 14, 17 and 22 of the act 44-45 Victoria, chapter 74, are hereby repealed.
- 44-45 V., c. 74, s. 6, § 1, amended. **9.** The following words are struck out of subsection 1 of section 6 of the act 44-45 Victoria, chapter 74, to wit: "under section 22 of this act."
- 43-44 V., c. 62, s. 75 § 3 amended. **10.** Subsection 3 of section 75 of the act 43-44 Victoria, chapter 62, is amended by striking out the figure 11.
- Coming into force. **11.** This act shall come into force on the day of its sanction.

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

An Act to amend and consolidate the acts incorporating the town and city of St. Hyacinthe and the acts amending the same and to confer further powers upon the mayor and council of the city of St. Hyacinthe.

[Assented to 12th July, 1888.]

Preamble.

**W**HEREAS it is expedient to amend and consolidate all the acts respecting the incorporation of the city of St. Hyacinthe to wit: the act passed by the Legislature of this Province, in the 34th year of Her Majesty's reign, chapter 39, and that passed in the 40th year of Her