

198. All suits, actions or prosecutions which might, before the passing of this act, be brought or commenced in the name of the collector of revenue, in virtue of the sixth chapter of the Consolidated Statutes for Lower Canada, and any acts which may have been or may hereafter be passed to amend the same, may be brought and commenced before one or more justices of the peace, residing in the said city, in the name of the mayor and city council of St. Hyacinthe, provided they are brought for offences committed within the limits of the said city.

Suits, etc., heretofore brought in name of collector of revenue to be brought in name of mayor and city council, etc.

All and every the provisions of the said last cited act in regard to the said offences, and to the mode of prosecuting and punishing therefor, and all proceedings, orders and convictions authorized and commanded to be made in and by the said act, and those amending it, are incorporated with this act, with such modifications as are necessary for their application.

Provisions of C. S. L. C., c. 3, incorporated herein.

199. All the provisions of any law inconsistent with the provisions of this act, shall be and the same are hereby repealed.

Repeal of inconsistent provisions.

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

Coming into force of act.

C A P. L X X X I V .

An act to amend the charter of the town of Terrebonne, and the act amending the same.

[Assented to 12th July, 1888.]

WHEREAS the corporation of the town of Terrebonne, has, by its petition, signed by all the members thereof, prayed for amendments to its charter and the act amending the same; and whereas it is expedient to grant its prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

1. Section 4 of the act 23 Victoria, chapter 76, is replaced by the following:

23 V., c. 76, s. 4, replaced.

" 4. No one shall be elected mayor of the town of Terrebonne, unless he can sign his name, unless he has been a resident householder in the town, for one year previous to such election, and unless he be possessed, as proprietor, in his own name or in that of his wife, for at least one year also previous to such election, of immove-

Qualification of mayor.

able property, within the limits of the town, of the value of four hundred dollars, over and above his just debts ; and the valuation of such real estate for the property qualification of such candidates for the position of mayor, shall be based upon that entered on the valuation roll then in force in the municipality.

Qualification
of councillors.

No one shall be elected a councillor of the town of Terrebonne, unless he can sign his name, unless he has been a resident householder in the town, for one year previous to such election, and unless he be possessed, as owner in his own name or in that of his wife, for at least one year previous to such election, of immoveable property in the said town, of the value of four hundred dollars, over and above his just debts, in the ward of the said town for which he wishes to be elected councillor ; and the valuation of such real estate for the qualification of such candidates as councillors shall be based upon that entered on the valuation roll then in force in the municipality.

Vacancies.

“ 4a. There shall be a vacancy in the office of mayor or councillor :

Death or
bankruptcy.

1. When the person filling such office dies, is declared bankrupt or becomes insolvent or applies for the benefit of any law passed for the purpose of assisting or protecting insolvent debtors ;

Loss of quali-
fication.

2. When, at any time during the period of his office, he loses any of the qualifications required for mayor or councillor of the town and set forth in the fourth section of the said act, or comes under any of the disabilities respecting the filling of such offices mentioned in subsections 2 and 3 of the fourth section of the said act, as amended by the act 36 Victoria, chapter 59, section 3 ;

Loss of domi-
cile.

3. When he ceases, for two calendar months, or ceases entirely, to reside or have his domicile within the limits of the town of Terrebonne ;

Non-atten-
dance for
two months.

4. When the person occupying the office, except when prevented by illness or infirmity, does not attend the meetings of the council for a period of two consecutive months, and when such council by resolution declares the seat vacant before the member resumes such seat ;

Annuling of
election,
refusal to
serve, resigna-
tion.

5 In the event of an election being set aside, of refusal to accept, or of resignation of office, if such resignation is accepted by a resolution of the council ;

Non-atten-
dance owing
to illness for
three months.

6. In the case of absence from the sittings of the council owing to illness or infirmity during three consecutive months. ”

23 V., c. 76,
s. 5, replaced.
Voters.

2. Section 5 of the said act is replaced by the following :

“ 5. The following persons shall have the right to vote at the municipal elections of the said town :

Every male inhabitant, of the age of twenty one years Qualification.
 a subject of Her Majesty, actually and *bonâ fide* in possession, as owner, of real estate, in the said town, of the value of fifty dollars, or as a tenant of real estate for the use of which he pays an annual rental of at least twenty dollars, which qualification shall be established by the valuation roll in force : but every tenant who can so vote must have been a resident householder in the said town, for at least a year before such election.

"5a. No person qualified to vote at a municipal election in the town shall have the right to have his vote registered unless he has, before the first day of January previous to such election, paid the amount of his municipal and school taxes and all other special taxes or municipal dues and all taxes or dues levied, annually and by him payable to the town. Payment of taxes.

When the said town shall be divided into wards, as hereinafter provided, every elector shall vote for the candidates to be elected for the ward of the town in which he is qualified as elector and not for any other councillors ; but a municipal elector shall be qualified as such in more than one ward, if he owns property therein of sufficient value to entitle him to vote." Voting, when wards constituted.
Voters qualified in more than one ward.

3. Section 7 of the said act is replaced by the following : 23 V., c. 76, s. 7, replaced ;

"7. The municipal elections of the town in virtue of this act shall in future be held in the month of February, in each year, and notice thereof shall be given by public notice, published at least eight days before such election in French, by posting up the same on the church doors, in the public weigh-house of the said town, or in all other places mentioned in the resolution of the council and read aloud at the door of the Roman Catholic church in the town, after divine service, in the morning on the two consecutive Sundays previous to such election. Municipal elections, when held, notice thereof.

Such notice shall be signed by the mayor and, in his absence, by the secretary-treasurer of the said council, and shall state the day, place and hour on which such elections shall be held."

4. Subsection 2 of section 10 of the said act is replaced by the following : 23 V., c. 76, s. 10, § 2, repl. ;

"2. In the event of a vacancy occurring, under this act, in the office of mayor of the said town or of councillor for any ward thereof, the remaining councillors shall, at the first sitting of the council, after such vacancy shall have been established, appoint, by resolution, from amongst the inhabitants of the town, a mayor or another councillor to replace the mayor or councillor so deceased, absent or unable to act, as aforesaid, and if such councillors be evenly Vacancies how filled ;

divided in the case of the election of a mayor, the election shall be held in the manner set forth in the various subsections of section 7 of the said act.

Notwithstanding vacancy, powers of remaining councillors continued.

Notwithstanding the occurrence of any vacancy, either in the office of mayor or in that of councillor, for any reason whatsoever, the other members of the town council shall continue to have the same powers and perform the same duties as they would have had and performed if such vacancy had not occurred."

23 V., c. 76, s. 16, § 2, repl. ;

5. Subsection 2 of section 16 of the said act is replaced by the following :

Contestation of elections.

" 2. Every such election may be so contested by one or more of the candidates or by at least three electors of the said town."

23 V., c. 76, s. 31, repealed.

6. Section 31 of the said act is hereby repealed.

23 V., c. 76, s. 34, §§ 3 and 4, replaced ;

7. Subsections 3 and 4 of section 34 of the said act are replaced by the following :

Tax on stocks in trade.

" 3 Upon all stocks in trade or goods kept by merchants or traders and exposed for sale on shelves, in shops, or kept in store houses or vaults, a tax not exceeding one per cent on the estimated value of such stocks in trade or goods.

On tenants.

" 4. On each tenant paying rent in the said town an annual sum equivalent to five cents in the dollar on the amount of his rent or the annual value of the property occupied by him."

Subsection added after 23 V., c. 76, s. 35, § 33 ; Power to divide town into wards.

8. The following subsection is added, after subsection 33 of section 35 of the said act.

" 34. To divide the town for municipal purposes into as many wards for voting as the council may deem advisable, and to assign to such wards the number of councillors to be elected in proportion to the population of such ward.

Power to change boundaries of wards.

The council shall likewise have full power and authority to cause the boundaries of the different wards of the town to be revised and changed, if it deems necessary, for the better administration of the affairs of the town."

23 V., c. 76, s. 39, replaced ;

9. Section 39 of the said act is replaced by the following :

Power to sell immovables for non-payment of taxes.

" 39. In every case where a person who has been taxed on account of any vacant lot or other immoveable in the said town and who does not reside in such town, or in cases where sufficient goods liable to seizure cannot be found to pay the taxes imposed upon any person in the said town, on account of any lot of land, building or other

immoveable belonging to such person, and if such tax has not been paid in the six months after the notice of the deposit of the collection roll of the town shall have been given, then and in such case it shall be lawful for the city council, on a report to that effect by the secretary-treasurer, to authorize the said secretary-treasurer to sell or cause to be sold by public auction at the office of the town council or at any other place determined by the council, in the manner hereinafter prescribed, the immoveable property or any of the immoveable properties which the council shall designate, by resolution, as indebted to the said council for municipal taxes.

" 39a. The secretary-treasurer shall make out a list containing a sufficient description of the property, the sale of which, by public auction, shall have been ordered by the council, as aforesaid; and he shall, within fifteen days after such notice shall have been given, give public notice, in the manner required for the publication of the by-laws, of the day, hour and place at which such sale by public auction shall take place.

List of property to be sold for taxes.
Notice of sale.

Such notice, as well as the copies which shall be posted up, shall respectively contain the official numbers or at least a sufficient description of the properties so to be sold by public auction.

Contents of notice.

" 39b. Such notice shall be published twice in French and in English in the Quebec Official Gazette and in at least one French and English newspaper published in the district before the sale, which shall, in any case, take place within the fifteen days following the last insertion in the said Official Gazette.

Publication of notice.
Delay for sale.

" 39c. At the time so fixed for the sale, the secretary-treasurer himself or by any other person shall sell, to the highest bidder, such of the lots of land described in the notice on which taxes are still due, after having made known the amount to be levied on each of such lots, including the share of the costs incurred by the sale in proportion to the amount of the debt.

Sale by secretary-treasurer.

The purchaser of any lot or part of a lot shall pay the amount of the purchase, at once, upon adjudication.

Price payable on adjudication.

" 39d. In default of immediate payment, the secretary-treasurer shall at once put up the lot for sale or adjourn the sale to the following day, or to another day within the week, by giving a notice of the adjournment in a loud and intelligible voice to the persons present.

In default of payment, re-sale or adjournment.

Upon payment, by the purchaser, of the amount of the purchase, the secretary-treasurer shall note the particulars of the sale in a certificate, made out in duplicate under his signature, and shall hand one of such duplicates to the purchaser.

Certificate of sale.

Possession
subject to re-
demption.

The purchaser shall thereupon become the owner of the lot of land adjudged to him and may take possession thereof, subject to the right of redemption which may be exercised within the two following years.

If no redemp-
tion within
two years sale
irrevocable.

If, within such two years, from the date of the sale, the lot of land has not been redeemed, in accordance with the provisions hereinafter set forth, the purchaser becomes the irrevocable owner thereof.

Deed of sale
after two
years.

" 39e. The purchaser, upon exhibiting a certificate of the adjudication and upon proof of the payment of all municipal taxes which have become due in the interval upon such lot of lands, shall, on the expiration of such delay of two years, be entitled to a deed of sale from the town council.

By whom deed
signed and be-
fore whom
passed.

The deed of sale shall be signed in the name of the municipality, by the secretary-treasurer and passed before a notary.

Effects of ad-
judication.

" 39f. All the vested rights at the time of the adjudication shall revert to the purchaser or his assigns.

Sale transfers
ownership.

" 39g. The sale made under the above provisions is a transfer of the ownership of the lot sold.

Rights trans-
ferred.
Discharge of
hypothees.
Exception.

" 39h. It transfers to the purchaser all the rights of the original owner and relieves the property from every hypothec or privilege to which it may be subject, except the right to ground, constituted, or seigniorial rents, or all the rents substituted therefor and to the school taxes and also the right of the trustees for the amount of any assessment upon such land for the payment of the expenses of building or repairing any church, vestry, parsonage-house or cemetery; provided that, at least eight days before the sale, a duly certified account, stating the amount of the arrears of such ground rents, school taxes, or assessments for the construction and repair of churches, has been handed to the secretary-treasurer of the town.

Proviso.

Sale to person
offering to pay
the amount
due, etc., for
the least por-
tion of the
land.

" 39i. Whosoever, at the time of the sale, offers to pay the amount of the moneys to be levied, including costs, for the least portion of the land to be sold, becomes the purchaser thereof; and such portion of the land shall be at once adjudged to him by the secretary-treasurer who shall sell the portion which best suits the interests of the debtor.

Redemption
by owner, de-
lay and con-
ditions.

" 39j. The owner of any land sold under the preceding provisions may redeem the same within two years following the date of the sale, by paying to the secretary-treasurer of the municipality the amount paid for the purchase, including the cost of the certificate of purchase, with interest at the rate of six per cent per annum, and also five per cent additional to cover all other expenses connected with such sale.

Redemption
by others for
benefit of
owner.

" 39k. Any person, whether authorized thereto or not, may redeem the land in the same manner, but only in the

name and for the benefit of the person who was the owner thereof at the time of the sale."

10. Section 44 of the said act is replaced by the following : 23 V., c. 76, s. 44, replaced :

" 44. Before any by-law of the town council shall have force and be binding, a copy of such by-law shall be published in the French language, by reading the same at the door of the Roman Catholic Church, on the two Sundays next after the passing of such by-law, and by posting up two copies thereof in the most public places in the said town, determined by resolution of the council." Publication in the French language of by-laws.

11. Sub-section 6 of section 50 of the said act shall read as follows : 23 V., c. 76, s. 50, § 6, amended.

" 6. All buildings, grounds and property occupied or possessed as hospitals, or as charitable or educational establishments in the town ; but the properties possessed by charitable institutions for purposes of revenue shall not be exempt from taxation. Exemptions from taxation. Exception.

12. The following shall be added after subsection 6 of section 43 of the act 36 Victoria, chapter 59 : Section added after 36 V., c. 59, s. 43, § 6 :

" 39a. For regulating and determining the manner in which the roads shall be kept in winter by those who are obliged to keep them. Keeping of winter roads.

For forbidding persons residing in the municipality to use any winter vehicle in the streets of the said town, unless the horse or horses or other draught animals, when not harnessed abreast, are so harnessed that the left runner of the vehicle runs in the track of such horse or horses or other draught animals, and further for regulating the length and width of the vehicles which such persons may use in such roads ; and in such case no person shall use winter vehicles other than those above-mentioned." Vehicles in winter.

CAP. LXXXV.

An Act to amend the act 44-45 Victoria, chapter 75, incorporating the town of Longueuil.

[Assented to 12th July, 1888.]

WHEREAS *L'Œuvre et Fabrique de la paroisse de Longueuil* and a great many parishioners of the said parish have prayed for certain amendments to the charter of the town of Longueuil, 44-45 Victoria, chapter 75, and it is expedient to grant their prayer ; Preamble.