

CAP. XLVIII.

An Act to amend the act incorporating the town of Iberville, 22 Victoria, chapter 64, and the act 43-44 Victoria, chapter 63, amending the said act of incorporation.

[Assented to 21st June, 1886]

WHEREAS it has been represented by petition that it Preamble.
is expedient to amend the act incorporating the town of Iberville, as well as the act amending the same ;
Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section 1 of the act 22 Victoria, chapter 64, is replaced 22 V., c. 64, s. 1, replaced.
by the following :

“ 1. From and after the passing of this act, the inhabitants Inhabitants of town incorporated.
of the town of Iberville, as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of Name.
“ The Corporation of the town of Iberville ” and separated Separated from county.
from the county of Iberville for all municipal purposes ; General powers.
and under the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, in all courts and in all actions, causes and suits at law whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure ; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said town ; of becoming parties to any contracts or agreements in the management of the affairs of the said town ; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities, for the payment of, or securing the payment of, any sum of money borrowed or loaned, or for the execution or guaranteeing the execution of any other duty, right or thing whatsoever.”

2. Section 5 of the said act 22 Victoria, chapter 64, is Id. sec. 5, replaced.
replaced by the following :

“ 5. A person is a municipal elector of the town of Qualification of electors.
Iberville, and as such is entitled to vote at the elections of mayor and councillors of the said town and to exercise all the rights and privileges conferred upon municipal electors, who, when he exercise such rights and privileges, fulfills the followings conditions :

1. He must be of the male sex and of the full age of majority ;

2. He must possess in the town, in his own name or in the name and for the use of his wife, as shewn on the valuation roll in force, a lot of land or house of the annual value of eighteen dollars or as resident tenant having paid a rent of an annual value of eighteen dollars or as occupant, under any legal and *bonâ fide* title whatsoever, of a lot of the annual value of four dollars ;

Id. sec. 8,
amended.

3. He must be entered, as proprietor, or possessor in his own name or in that of his wife, as tenant or occupant, upon the valuation roll in force in the municipality ;

Presiding officer may require assistance.

4 He must, before such election, have paid all his municipal and school taxes."

Commit on view.

3. Section 8 of the said act 22 Victoria, chapter 64, is amended by adding the following subsection at the end thereof:

" 7. The presiding officer may also require the assistance of any justice of the peace, constable or other person residing in the municipality, by a verbal or written order ; commit on view by verbal order to the custody of a constable or of any other person during a period of forty-eight hours, at the most, any person breaking the peace or disturbing good order or making use of insulting language towards the presiding officer ; and by a written order under his hand, cause such person to be confined in the common gaol of the district of Iberville, or in any house or other place of detention set apart for such purpose within the limits of the town of Iberville for a period not exceeding ten days."

Id. s. 9, § 3,
amended.

4. Subsection 3 of section 9 of the said act 22 Victoria, chapter 64, is amended by adding the following at the end thereof :

Absent councillor to account for his absence.

" And unless it be shewn at the following session, which shall be held within the eight days following the first meeting, that such councillor was absent for a reason deemed by the council to be sufficient."

Id. sec. 10, § 2,
amended.

5. Section 10 of the said act 22 Victoria, chapter 64, is amended by adding the following after subsection 2 of the said section :

Election by councillors of person to replace mayor or councillor who resigns.

" 2a. When the mayor or a councillor tenders his resignation as such, and when it is accepted by the council, the office of mayor or councillor shall thereupon become vacant, and the election of a new mayor or of a new councillor shall be held, and the new incumbent be elected by the councillors remaining in office, at the first session of the council held after the occurrence of such vacancy."

6. Section 15 of the said act 22 Victoria, chapter 64, is replaced by the following: Id. sec. 15, replaced.

" 15. A special meeting of the municipal council of the town of Iberville may be convened at any time by the mayor or by the secretary-treasurer or by two members of the council, by giving in writing a special notice of two days of such meeting to all the members of the council, other than those who convene the same; the said notice shall specify and set forth the object for which such meeting is convened and the day and hour at which it shall be held." Convening of special meeting; on requisition. Notice for that purpose. Contents of notice.

7. The said act 22 Victoria, chapter 64, is further amended by adding the following section after section 21: Id. sec. added after sec. 21.

" 21a The councillors may also, at any time, if they choose, appoint a pro-mayor or acting mayor who, in the absence of the mayor or while the office is vacant, shall perform all the duties of mayor, with all the privileges, rights and obligations attached to that office." Appointment of pro-mayor. His duties.

8. Section 22 of the said act 22 Victoria, chapter 64, is amended by adding the following subsection, after subsection 6: Id. sec. 21, amended.

" 6a. The secretary-treasurer, with the consent of the council, may, instead of the security above-mentioned, give security in favor of the corporation by means of a guarantee policy from any guarantee insurance company approved by the council." Guarantee policy may be given by secretary-treasurer.

9. Subsection 9 of section 22 of the said act 22 Victoria, chapter 64, is replaced by the following: Id. s. 22, § 9, replaced.

" 9. The secretary-treasurer shall render to the council every six months, that is to say, in the months of January and July in each year, or oftener if required by the council, a detailed account of his receipts and expenditure attested by him under oath." Half-yearly accounts to be submitted by secretary-treasurer.

10. Subsection 10 of section 22 of the said act 22 Victoria, chapter 64, is replaced by the following: Id. sec. 22, § 10, replaced.

" 10. The secretary-treasurer's books of account and vouchers shall, at all reasonable hours of the day, be opened for inspection, as well to the council as to each of the members thereof, and to the municipal officers by it appointed, or to any person liable to assessment in the town." Secretary-treasurer's books of account, &c., to be open to inspection of members of council, &c.

11. Subsection 15 of section 22 of the said act 22 Victoria, chapter 64 is replaced by the following: Id. s. 22, § 15, replaced.

Duty of heirs,
of deceased or
absent officer
to deliver up
moneys, keys,
&c.

“ 15. If any such officer die or absent himself from the province of Quebec, without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within fifteen days from his death, or from his departure from the province of Quebec.”

Id. sec. 25, re-
placed.

“ 25. Section 25 of the said act 22 Victoria, chapter 64, is replaced by the following :

Property
qualification
of assessors.

“ 25. The assessors appointed for the town of Iberville shall be proprietors of real estate of the value of at least six hundred dollars after deduction of their just debts.”

Id. sec. 26,
amended.

“ 26. The said act 22 Victoria, chapter 64, is amended by adding the following words at the end of section 26 ;

Further duties
of council upon
deposit of
assessment
roll.

“ And also to ascertain the improvements which may have been made to properties so as to increase the value thereof, as well as the different changes in the ownership of properties, and to replace, on the assessment roll, the names of the proprietors who may have sold or exchanged their properties by the names of the new owners of such properties.”

Id. sec. 29,
replaced.

“ 29. Section 29 of the said act 22 Victoria, chapter 64, is replaced by the following :

Property
qualification
of auditors.

“ 29. The auditors appointed for the town of Iberville shall be proprietors of real estate therein of the value of at least four hundred dollars ; provided always, that neither the mayor, councillors, secretary-treasurer of the said town, nor any person receiving any salary from the said council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of auditor for the said town, nor any owner of real estate the value whereof is not four hundred dollars, after deduction of his just debts.

Id. sec. 34,
amended by
adding §§ 7a
and 7b.

“ 34. Section 34 of the said act 22 Victoria, chapter 64, is amended by adding after subsection 7 thereof the following subsections :

Licenses to be
procured by
certain parties
prior to trading
in the town.

“ 7a. All persons wishing to ply or plying, within the limits of the town of Iberville, the trade of pedlars and itinerant traders selling articles of commerce of any kind whatsoever, all proprietors, possessors, agents, managers or occupants of theatres, circuses, billiard-rooms, ten-pin alleys or other games and amusements of any kind whatsoever, and all auctioneers, grocers, bakers, butchers, and every other person dealing in fresh meat in his house or shop or bringing fresh meat into the town for sale in

quantities less than a quarter at a time ; all hawkers, hucksters, brewers, distillers, manufacturers and sellers of soda-water and ginger-beer and champagne-cider ; all traders and manufacturers and their agents, all proprietors or keepers of wood-yards, either of cordwood or lumber for building purposes ; all proprietors or keepers of coal-yards and slaughter-houses, all money changers or exchange brokers, pawn-brokers and their agents, all bankers, banks and all agents of bankers and banks ; all insurance companies and their agents ; and, in a word, all traders, manufacturers and artisans who have carried on or may carry on or introduce any trade or manufacture of any kind whatsoever, whether they be mentioned in this act or not ; all carters, owners and drivers of public vehicles, vehicles for hire or for carrying goods in and for the town of Iberville, and all persons residing without the limits of the town of Iberville who are carters, or drivers of public vehicles for hire or for carrying loads in the town, shall procure a license or permit from the council for that purpose ; and the amounts to be paid for obtaining such licenses shall be fixed and determined by a by-law or by-laws of the council of the town of Iberville and shall be proportionate to the amount of the business, industry, trade and revenue of each person.

Fee for such license.

Every person, who carries on any business, industry, trade or occupation in the town of Iberville, as aforesaid, without having previously obtained from the council a license or permit for that purpose, shall be liable to a penalty of not less than five nor more than twenty dollars for each contravention ; and such fine and costs shall be levied upon the goods and chattels of the delinquent under a warrant or writ of execution ; which warrant or writ shall be executed by a bailiff of the Superior Court or a constable ; and in default of the payment of such fine and costs, such person shall be liable to imprisonment in the common gaol of the district of Iberville for a period of not less than fifteen and not more than thirty days."

Penalty for trading without license.

Fine how levied.

Imprisonment in default of payment.

" 7b. Every person who keeps or wishes to keep a wood-yard in the town of Iberville shall be obliged to procure a permit or license, as aforesaid, from the council, which shall determine on what conditions such permit or license shall be granted ; provided that it shall be lawful for the council, when it deems expedient for preventing fires or for other reasons, to refuse such licenses or to grant the same only for certain places in the town of Iberville and to determine by by-law how such yards shall be closed-in, and to what height wood may be piled, either by owners of wood-yards or by any other person in the town of Iberville."

Permit for keeping wood-yard required.

Proviso.

Conditions of granting.

Id., sec. 50,
replaced.

16. Section 59 of the said act 22 Victoria, chapter 64, is replaced by the following :

Penalties how
to be recover-
ed.

“ 59. All the penalties imposed by this act, or by any by-law made by the council, are recoverable before a district magistrate, before the Circuit Court for the county of Iberville, or before any justice of the peace residing in the town of Iberville ;

Several penal-
ties against
same party
may be in-
cluded in same
action.

All penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such court.”

43-44 V., c. 63,
s. 1, replaced.

17. Section 1 of the act 43-44 Victoria, chapter 63, is replaced by the following :

22 V., c. 64, s.
35, amended
and § 33 added.

“ 1. Section 35 of the said act, 22 Victoria, chapter 64, is amended by adding thereto the following subsection :

Council may
pass by-law
granting aid to
certain parties
establishing
factories, &c.,
in town.

“ 33. For granting to any person who, or firm or company which has or proposes to establish, within the limits of the town of Iberville, any manufactory, industry or manufacturing or industrial undertaking, any sum of money, bonus, lands or materials which the council shall deem proper, and in the interest of the said town ; provided always that no such by-law shall come into force until it shall have been approved by one-half in value of the electors having the right to vote, and also two-thirds in number of the electors voting at the meeting or at the poll.”

Proviso as to
confirmation
of by-law by
electors.

40 V., c. 29, s.
357, to apply
to town with
certain modifi-
cations.

18. Section 357 of the town corporations general clauses act, 40 Victoria, chapter 29, shall apply to the town of Iberville, but with the following modifications :

“ Electors who
are proprie-
tors” to be
“ freehold pro-
prietors, &c.”

1°. Whenever the words “ electors who are proprietors” occur in the said section, they shall, as regards the town of Iberville, be replaced by the words “ freehold proprietors and possessors of real estate in the name and for the use of their wives, and every tutor, curator or administrator of the property of minors and of estates shall be considered an elector under the provision of the preceding section.”

Tutors, &c., to
be electors.

After “ mayor”
add “ pro-
mayor or act-
ing mayor.”

2°. By adding, as regards the town of Iberville, after the word “ mayor,” in the third line of the said section, the words “ pro-mayor or acting mayor.”

Id.

3°. By adding, as regards the town of Iberville, after the word “ mayor” in the fourth line of the said section, the words “ pro-mayor or acting mayor.”

40 V., c. 29, s.
358, to be re-
placed for
town.

19. Section 358 of the town corporations general clauses act 40 Victoria, chapter 29, shall apply to the town of Iberville, but shall be modified so as to read as follows :

" 358. The poll shall be held and presided over by the mayor, or by the pro-mayor or acting mayor, with the assistance of the secretary-treasurer. It shall be held for two consecutive juridical days, from ten o'clock in the morning until five o'clock in the afternoon.

Who presides over poll.

Poll when held.

20. Section 360 of the said act 40 Victoria, chapter 29, shall not apply to the town of Iberville, but shall, as regards that town, be replaced by the following section :

40 V., c. 29, s. 360, to be replaced for town.

" 360. Every elector only, whose name is entered on the assessment roll or on the list of municipal electors as a freehold proprietor or as the possessor of real estate in the name and for the use of his wife, shall be entitled to vote."

Right to vote.

In such case it is not necessary that the municipal electors should have paid their municipal and school taxes."

Municipal or school taxes need not be paid in such case.

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

Coming into force.

CAP. XLIX.

An Act to amend the act of this province, 45 Victoria, chapter 103, respecting the town of Richmond.

[Assented to 21st June, 1886.]

WHEREAS, when the act 45 Victoria, chapter 103, incorporating the town of Richmond, was passed, the said town formed part of the municipality of the county of Richmond, in which, at the time, a by-law was and still is in force giving effect to the "Temperance Act of 1864."

Preamble.

Whereas the inhabitants of the town of Richmond passed a by-law declaring that the said Temperance Act of 1864, should not be in force, in so far as the town was concerned, which by-law was approved and sanctioned by a majority of the municipal electors of the said town ;

Whereas doubts have arisen as to the power of the said municipal council and electors of the town of Richmond, to repeal the said by-law within the town limits, and it is important that legislation be had in order to remove such doubts, and to grant power to the inhabitants of the town of Richmond to regulate the sale of intoxicating liquors, within the limits of the said town ;

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