

CAP. LI.

An act to amend the act 47 Victoria, chapter 90, respecting the incorporation of the town of Ste Cunégonde and to grant it more ample powers.

[Assented to 21st June, 1886.]

Preamble.

WHEREAS the council of the town of Ste. Cunégonde has, by petition, represented that it is advisable to make certain amendments to the provisions of the act 47 Victoria, chapter 90, respecting the incorporation of the said town, and 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 :

47 V., c. 90, s. 1, amended.

Council may borrow a certain sum on promissory note or obligation.

1. Section 1 of the act 47 Victoria, chapter 90, is amended by adding the following paragraph at the end thereof.

“ Notwithstanding the provisions of the following sections, the council of the town of Sainte Cunégonde, pending the conclusion of the collection of the annual taxes, may, upon a simple resolution to that effect, from time to time, contract loans by means of promissory notes or notarial obligations for an amount not exceeding, at any time, five thousand dollars.”

Id., s. 3, replaced.

Time of retiring from office of present councillors,

2. Section 3 of the said act is replaced by the following :

“ 3. The councillors and officers of the town who are now in office shall continue therein until the expiration of their term of office, subject, however, to the provisions of subsection 3 of section 35, and shall be replaced under the provisions of this act.

Of councillors hereafter.

In future the councillors shall go out of office on the second Monday in February.”

Id., s. 10, replaced.

Qualification of councillors.

3. The first paragraph of section 10 of the said act is replaced by the following :

“ 10. No person shall be capable of being nominated or elected councillor of the town of Sainte Cunégonde, nor of acting as such unless he can read and write, and unless he has been for at least one year owner or possessor, or usufructuary, either in his own name or in that of his wife, under registered titles, of real estate, within the said town, of the value, according to the valuation roll then in force, of one thousand dollars over and above all charges and hypothecs regularly registered.

Proof of mortgages.

A registrar's certificate shall be proof of the existence of such charges and hypothecs.”

4. Section 11 of the said act is replaced by the following: Id., s. 11, replaced.

"11 No one can be elected a councillor for a ward unless he has resided in such ward for at least twelve months." Qualification as to residence.

5. Section 16 of the said act is replaced by the following: Id., s. 16, replaced.

"16. Every member of the council shall, immediately after his appointment, make oath to well and faithfully perform the duties of his office, and shall file such oath at the office of the city council. Oath of office.

This oath shall be taken before a justice of the peace or before the mayor in office for the time being or before the secretary-treasurer, and an entry thereof shall be made in the minute book, of the proceedings of the council. Before whom taken.

A member of the council shall enter into office only upon filing his oath of office at the office of the council." Entry into office.

6. Section 17 of the said act is replaced by the following: Id., s. 17, replaced.

"17. The omission, during fifteen days, by a member of the council to file in the office of the council his oath of office for the position to which he has been appointed, shall be deemed a refusal to accept the same and shall render him liable to the penalties prescribed, unless he be a person who is exempt from serving." Effect of omission to file oath.

7. Section 23 of the said act is replaced by the following: Id., s. 23, replaced.

"23. It shall be lawful for any candidate or his representative, during the voting, to require the production of the receipts from the secretary-treasurer of the town, establishing the payment, by the person who presents himself for the purpose of voting, of all the assessments which such person is bound to pay under sections 52 and 53; and in any case where the said elector has lost his receipt, he shall 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." Receipts for payment of taxes may be required to be produced. Proviso, if lost.

8. Section 24 of the said act is replaced by the following: Id., s. 24, replaced.

"24. If a person only possesses as proprietor in the municipality real property the value of which does not amount to four hundred dollars each and situate in different wards, he may, provided the aggregate value be at least four Qualification to vote in ward of residence if total property sufficient.

hundred dollars, vote for the election of councillors for the ward in which he resides.”

Id., s. 26, replaced.

9. Section 26 of the said act is replaced by the following :

Qualification of electors.

“ 26. A person is a municipal elector, and as such is entitled to vote at elections of councillors and to exercise all the rights and privileges conferred upon municipal electors by the provisions of this act, who, at the moment when he exercises such rights and privileges, fulfills the following conditions :

1. Is of full age and a subject of Her Majesty ;

2. Has possessed for six months in the municipality, in his own name or in the name and for the benefit of his wife, as shewn on the valuation roll in force, either as the owner of real estate of the value of at least four hundred dollars, or as a resident tenant under a farm or other lease, or as an occupant under any title whatsoever, of a property of the annual value of at least thirty dollars ;

3. Has paid all his municipal and school taxes due at the time when he exercises his rights as an elector ;

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

How established.

In all cases, the qualification required of electors shall be established by the valuation roll in force, or by the list of municipal electors, if there be such a list.”

Id., s. 28, replaced.

10. Section 28 of the said act is replaced by the following :

Presiding officer to commit persons attempting to personate and vote for others.

“ 28. The officer presiding at the election shall, upon the verbal complaint of a candidate or of one of the representatives of a candidate, commit, upon a written order signed by him, to the common gaol of the district or to any other place of confinement established in the town, for the space of not less than twenty-four hours, any person who shall vote or present himself to vote for and in the place and stead of another person entitled to vote ; and such person, upon conviction before a magistrate or justice of the peace, may be condemned to a fine of twenty-five dollars, or, in default of payment, to an imprisonment of two months.”

Penalty.

Id., s. 29, replaced.

11. Section 29 of the said act is replaced by the following :

Time for holding general elections.
Nomination.
Polling.

“ 29. The general elections shall be held annually in the month of February in each year.

The nomination shall take place at the town-hall, at noon on the second Monday of February, and the polls shall be held on the third Monday of February.”

12. Section 31 of the said act is replaced by the following: Id., s. 31, replaced.

“ 31. Every candidate shall be nominated by means of a nomination paper signed by at least ten electors qualified to vote in the ward for which the election is held.” Nomination of candidates.

13. Section 32 of the said act is replaced by the following: Id., s. 32, replaced.

“ 32. If, one hour after the opening of the meeting, only as many persons have been placed in nomination for councillors, as there are councillors to be elected, or less than the number required, the election shall be declared closed, and the presiding officer shall proclaim such persons elected councillors.” Proclamation of members nominated in certain case.

14. Section 33 of the said act is replaced by the following: Id., s. 33, replaced.

“ 33. If, one hour after the opening of the meeting, more candidates have been nominated for the office of councillor in one or more wards than there are councillors to elect, it shall be the duty of the presiding officer to grant a poll for such ward, which poll shall be held on the following Monday at the places fixed by him for voting and designated in the notices given for election purposes.” Poll in certain cases.

The election shall be closed at half-past four in the afternoon of the same day. Closing of election.

In making up the lists of municipal electors, the secretary-treasurer shall divide the number of voters so that there be not more than two hundred voters for the same polling place.” No polling districts to exceed 200 voters.

15. Subsection 6 of section 52 of the said act is replaced by the following: Id., s. 52, § 6, replaced.

“ 6. It shall be lawful for the town of Sainte Cunégonde, for the purposes mentioned in this section, to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, hotels, taverns, coffee-houses, restaurants, and temperance hotels, and on all dealers in spirituous liquors, and on all pedlars and itinerant traders selling, in the said town, articles of commerce of any kind whatsoever, and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, ten-pin alleys, or other places for games or amusements of any kind whatsoever; and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers and distillers, and on all traders and manufacturers and their agents, and on all proprietors and keepers of wood-yards or coal-yards and slaughter-houses, in the said town, Duties or taxes on tavern-keepers, &c.

and on all money-changers or exchange brokers, pawn-brokers, and on all bankers and banks, and all agents of bankers or banks; and on all building societies, and on all insurance companies and their agents; and generally on all commerce, manufactures, callings, arts, trades and professions, which have been or which may be introduced into or exercised in the town; and the amount of such dues or taxes shall be fixed and determined by one or more by-laws of the town of Ste. Cunégonde, and shall be fixed and determined by the council, in its discretion, either, in certain cases, at a specified sum, or, in other cases, by a percentage of seven and a half per cent upon the annual value of the property and premises occupied by the said parties in the town of Ste. Cunégonde, and in or upon which they do business, or carry on or exercise such trade, manufacture, occupation, business, art, profession or means of livelihood and profit; provided that in no case shall any of such amounts exceed five hundred dollars per annum."

Proviso.

Id., s. 53, replaced.

16. Section 53 of the said act is replaced by the following:

Annual tax on professional men.

"53. Every person residing in the town, and practising therein the profession of an advocate, physician, land-surveyor, notary, dentist, or any other liberal profession, shall pay an annual tax not exceeding four dollars, and the assessors shall draw up a list of the persons above-mentioned."

Id., s. 57, replaced.

17. Section 57 of the said act is replaced by the following:

Publication of by-laws.

"57. All by-laws shall be published in the French and English languages.

By-laws deemed to be public, &c.

The by-laws of the council of the town of Ste. Cunégonde shall be deemed and considered as public laws within the limits of the town, and as such shall be taken cognizance of judicially by all judges and other persons whomsoever, without its being necessary to cite them specially."

Id., s. 44, repealed.

18. Section 44 of the said act is repealed.

Id., s. 70, replaced.

19. Section 78 of the said act is replaced by the following:

Closing of taverns, &c., on polling days.

"78. All hotels, taverns, stores, clubs or shops, whether licensed or not, in which spirituous or fermented liquors are sold in the town of Ste. Cunégonde, shall be closed during polling days in the said town, whether the voting be held in one or more wards, under a penalty of a fine of £

two hundred dollars or of an imprisonment of six months in default of payment of such fine."

No spirituous or fermented liquors shall be sold or given to any one in the town during the said period, under penalty of a fine of two hundred dollars or of an imprisonment of six months in default of payment. Penalty for sale of liquors on such days.

"78a. There shall be paid to the town of Ste. Cunégonde the sum of twenty-five dollars for each confirmation of a certificate for the purpose of obtaining a license for a tavern, restaurant or hotel for the sale of intoxicating liquors." Fee on confirmation of certificate of electors for obtaining a license, &c.

20. Section 81 of the said act is amended by adding thereto the following paragraph : Id., s. 81, amended.

"The assessors shall assess the rental or annual value of each and every dwelling, house, immoveable or portion of immoveable occupied by a tenant, provided always that such valuation shall not make the annual value of the property more than eight per cent of the value of the property as assessed." Assessors to assess rental or annual value of real estate. Proviso.

21. Section 83 of the said act is replaced by the following : Id., s. 83, replaced.

"83. The payment of municipal taxes may be recovered by suit brought in the name of the town before the Circuit Court of the district, or before a justice of the peace, or before the mayor or one or more councillors acting *ex-officio* as justices of the peace, provided the amount claimed be under twenty-five dollars." Taxes how recovered.

22. Section 85 of the said act is amended by adding thereto the following subsection : Id., s. 85, amended.

"2. The council of the town of Ste. Cunégonde shall have power to regulate and prohibit the slaughter of cattle." Power to regulate, &c., slaughter of cattle.

23. Section 86 of the said act is replaced by the following : Id., s. 86, replaced.

"86. Bribery, treating and personation, as defined by any statute then in force with respect to the election of members of the Legislative Assembly of this province, shall be deemed corrupt practices at any municipal election in the town of Ste. Cunégonde. Bribery, &c., at elections to be deemed corrupt practice.

Every person who shall be guilty of corrupt practices at a municipal election held in the town of Ste. Cunégonde shall forfeit his right to vote at such election and shall, moreover, be liable to the same suits, prosecutions or penalties—except the loss of his electoral or municipal vote—as if such corrupt practices had been committed at an election of a member of the Legislative Assembly of the Province." Punishment for corrupt practices.

Id., s. 94, replaced.

24. Section 94 of the said act is replaced by the following:

Powers of school commissioners under ss. 93 and 95, conferred upon school trustees, Salary of secretary-treasurer.

" 94. All the privileges conferred upon the school commissioners of Ste. Cunégonde and of St. Henri by sections 93 and 95 shall apply to the trustees of the dissentient schools of St. Henri; and the commissioners of Ste. Cunégonde may, in future, fix and determine the salary of the secretary-treasurer, any provision to the contrary notwithstanding."

Certain questions to be answered on oath by elector previous to voting.

25. If thereunto required by the deputy-presiding officer, the poll clerk, one of the candidates or an agent of one of them, every elector or any elector who comes forward to vote at a municipal election in the town of Ste. Cunégonde shall be sworn, and being so sworn, shall reply in the affirmative to questions 1, 2, 3, 4 and 5, and in the negative to questions 6, 7, 8 and 9 hereunder:

" You swear to answer the truth and nothing but the truth. So help you God.

1. Are you (*name of the elector, as entered on the list*) whose name is entered on the list of electors now shewn you (*showing the list to the elector*) ?

2. Are you a British subject ?

3. Are you of the full age of twenty-one years ?

4. Are you entitled to vote at this election ?

5. Are all your taxes, assessments or municipal and school dues paid ?

6. Have you already voted at this election for this ward, at this poll or at any other ?

7. Has any promise been made to you, to your wife or to any of your relatives or to any of your friends or in any other manner to induce you to vote at this election ?

8. Have you received anything, either yourself, or through your wife or any member of your family, or in any other manner, to induce you to vote, or with respect to your vote at this election, either as carter or paid canvasser with a view of receiving something for your trouble ?

9. Have you committed any other fraudulent practice which disqualifies you from voting at this election ? "

Annual election of secretary-treasurer and auditors.

26. The election of secretary-treasurer and auditors of the town of Ste. Cunégonde shall be held every year in the month of July.

Closing of corporation office on voting days.

27. The office of the corporation shall also be closed upon polling days in the said town.

40 V., c. 29, applies to Ste. Cunégonde if not inconsistent.

28. The provisions of the town corporations general clauses act shall be deemed to form part of the act 47 Victoria, chapter 90, and of this act, in so far as they are consistent with the provisions thereof.

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

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CAP. LII.

An Act to amend the act incorporating the town of Farnham, (40 Victoria, chapter 47.)

[Assented to 21st June, 1886.]

WHEREAS the provisions of the act incorporating the town of Farnham (40 Victoria, chapter 47) do not suffice for its present requirements; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows : Preamble.

1. Section 1 of the act 40 Victoria, chapter 47, is replaced by the following : 40 V., c. 47, s. 1, replaced.

"1. From and after the passing of this act, the inhabitants of the town of Farnham, as hereinafter described, and their successors, shall be and they are hereby declared to be a body politic and corporate in fact and in law, under the name of "The Corporation of the town of Farnham," and separated from the county of Missisquoi for all municipal purposes ; and under such name, they and their successors shall have perpetual succession, and shall be capable of appearing in law, suing and being sued in all courts and in all actions, causes and plaints whatsoever ; they shall have a common seal which they may change and modify at pleasure, and shall in law be capable of receiving by donation, acquiring, holding, transferring and alienating property, moveable and immoveable, for the use of the town, of becoming parties to all contracts or agreements in the management of the affairs of the town, and of giving or accepting all notes, bonds, obligations, judgments or other instruments or securities for the payment, or for insuring the payment, of any sum of money borrowed or loaned, or for the execution of any other duty, right or thing whatsoever." Town erected. Corporate name. General powers. Seal. Power to hold property, &c.

2. Subsection 3 of section 3 of the said act is replaced by the following : Id., s. 3, § 3, replaced.

"3. No person shall be elected mayor or councillor of the town of Farnham, unless he shall have resided and kept house in the said town, during one year next preceding such election, and unless he shall reside therein during his term of office, and unless he is possessor or proprietor, in his own name or in that of his wife, of im- Qualification of mayor and councillors.