

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

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

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

"1. From and after the passing of this act, the inhabi- Town erected.
tants 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," Corporate name.
and separated from the county of Missisquoi for all munici-
pal purposes ; and under such name, they and their suc-
cessors shall have perpetual succession, and shall be capable General powers.
of appearing in law, suing and being sued in all courts
and in all actions, causes and complaints whatsoever ; they
shall have a common seal which they may change and Seal.
modify at pleasure, and shall in law be capable of receiv-
ing by donation, acquiring, holding, transferring and Power to hold property, &c.
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, obliga-
tions, 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."

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

"3. No person shall be elected mayor or councillor of Qualification of mayor and councillors.
the town of Farnham, unless he shall have resided and
kept house in the said town, during one year next pre-
ceding 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-

moveable property in the town, of the value according to the valuation roll, after deduction of his just debts, of four hundred dollars for the office of councillor and eight hundred dollars for that of mayor."

Id., s. 4, re-
placed.

Electors' qua-
lification.

3. Subsection 4 of section 3 of the said act is replaced by the following :

"4. The persons who shall be municipal electors and as such be entitled to vote at elections of mayor and councillors and to exercise all the rights and privileges conferred upon municipal electors by the provisions of this act, shall be those who, when exercising such rights and privileges, shall fulfill the following conditions :

1. They must be of the full age of majority and be subjects of Her Majesty ;

2. They must have owned for one month in the municipality, in their own name as proprietors or in the name of their wives, as shewn on the valuation roll in force as revised, real estate of the value of at least one hundred dollars ;

3. They must have been in possession for six months as resident tenants either under a farm or other lease, or as occupants, under any title whatsoever, of real estate of the annual value of at least twenty dollars ;

4. Co-proprietors, co-tenants or co-occupants of real estate when such estate is valued at an amount sufficiently high to allow of each one's share giving him the electoral qualification aforesaid ;

5. All other persons who may be taxed for the benefit of the municipality directly, for a sum of at least one dollar per annum ;

Payment of
taxes neces-
sary.

6. The electors must have paid all their municipal and school taxes."

Id., s. 3, § 5,
replaced.

Votes where
given.

4. Subsection 5 of section 3 of the said act is replaced by the following :

"5. Persons having a right to vote at municipal elections as aforesaid, shall vote in the particular wards in which is situated the real estate which qualifies them to vote ; tenants, occupants and other electors shall vote in the ward where they reside."

Id., s. 3, § 9,
replaced.

Polls.

5. Subsection 9 of section 3 of the said act is replaced by the following :

"9. If, one hour after the opening of the meeting, more than one candidate is nominated for the office of mayor, or more candidates than there are councillors to be elected, then the officer presiding or the deputy shall proceed without delay to hold a poll and to record the votes of the electors in the manner provided by this act."

6. Section 7 of the said act is amended by adding at the end of the said section the words "who are owners." Id., s. 7, amended.

7. The provisions of the said act of incorporation, as amended by this act, shall prevail for the administration of the town of Farnham over the provisions of the town corporations general clauses act which may be inconsistent with the said charter. 40 V., c. 47, and this act to prevail over 49 V., c. 20.

POWER TO MAKE BY-LAWS.

8. In addition to the powers granted by the town corporations general clauses act, the council of the town of Farnham may make, amend, repeal or replace by-laws or resolutions for any of the following purposes : Further general powers to make, &c., by-laws for certain purposes.

To punish and arrest on the spot vagrants, beggars, blasphemers, persons taking part in *charivaris*, prostitutes, persons insulting passers-by, and offenders against the municipal by-laws ;

To forbid trotting and running on bridges ;

To determine the manner of making *mitoyen* or division walls and water-spouts ;

To prohibit pipes on roofs, and to determine, in certain cases, of what materials roofs shall be made ;

To suppress games of skill, hazard or exercise, or to allow them under license ;

To regulate wood and coal-yards ;

To prevent sweepings, filth or dirt being thrown into the streets, ditches, water-courses, on the side-walks or in the public squares, and to order the removal of the same ;

To regulate the construction of privies, cellars, drains, ovens, and the steam-engines of any factory or work-shop whatsoever ;

To order the closing of hotels and other places in which intoxicating liquors are sold, on the days when municipal elections are held, on Sundays, and on religious festivals of obligation ;

To prevent drunkenness by all possible and proper means ;

To prevent the sale of intoxicating liquors to children, apprentices or servants ;

To remove the signs of unlicensed houses, and to regulate all kinds of signs.

2. Section 35 of the town corporations general clauses act shall be in force for the purposes of this section ; and all fines imposed by municipal by-laws shall belong to the corporation. 40 Viet., 29 s. 385 applies to town.

“Circuit Court” 9. The words “Superior Court” in the town corporations general clauses act, in so far as the said act may apply to the town of Farnham, are replaced by the words “Circuit Court in and for the county of Missisquoi”; and the word “prothonotary” is replaced by the words “clerk of the Circuit Court in and for the county of Missisquoi”

TAXES.

Power to levy by direct taxation to cover debts, &c. 10. The council shall have power to levy by direct taxation upon all rateable property or only upon the rateable real estate in the town, all the sums required to defray the expenses of administration and to extinguish the debts, or for any special object whatsoever, within the limits of the powers of the council.

Power to levy by direct taxation upon all or certain proprietors of real estate for certain purposes. 11. The council shall have power further to levy by direct taxation upon all the rateable property or only upon the rateable real estate of those persons, who, in the opinion of the town council, are interested in a public or private work under the direction of the council and who derive any benefit from such work, such sum of money as may be required for the performance and maintenance of such work;

Certain annual taxes upon : Tenants ; To levy annually :
Upon every tenant paying rent, a sum not exceeding five cents in the dollar on the amount of his rent ;

Male inhabitants ; Upon every male inhabitant, of the age of twenty-one years or over, who shall have resided in the town for six months, and who is neither proprietor, nor tenant, nor a student, apprentice or servant, an annual sum of one dollar ;

Dogs ; Upon every person keeping a dog or dogs, an annual sum of two dollars for every dog and four dollars for every bitch ;

Stallions ; Upon every person keeping a stallion for the service of mares, a sum not exceeding ten dollars ;

Mares ;
Stocks in trade. Upon every stock of goods and merchandize kept by merchants and traders and exposed for sale or kept in any place whatsoever, a tax not exceeding twenty cents for every hundred dollars of the average estimated value of such stock of goods ; every trader to pay at least one dollar.

Power to compel certain traders to take out licenses, &c. 12. The council shall also have power to compel all persons coming into the town for the purpose of selling bankrupt or other stocks, goods and other effects either by auction or by private sale or even by a trader belonging to the town and selling by auction, to pay a duty and take out a license the price whereof shall not exceed two hundred

dollars and, in addition a duty of twenty-five dollars for every day on which the sale is held.

The amount of these licenses shall be payable on demand How payable. made by the secretary-treasurer or his delegate, and if not paid, the amount may be collected by a warrant addressed to a bailiff and issued under the hand of the mayor, immediately after the refusal or default of payment has been established; and the goods may be seized and sold for the payment of such licenses by such bailiff or another, according to the rules and under the same responsibilities and penalties as a writ of execution *de bonis* issued from the Circuit Court. Warrant to collect. Seizure of goods.

13. It shall also be lawful for the said council to ordain by by-law, and to impose and levy annual taxes : Power to levy certain business taxes.

Upon persons keeping houses of public entertainment, inns, saloons, restaurants and stores, and upon all retailers of spirituous, vinous and fermented liquors, or to impose a duty or tax upon their respective certificates from the electors, upon their approval by the council, not exceeding two hundred dollars, except in the case of stores and shops, the tax upon which shall not exceed one hundred dollars ;

Upon temperance hotels, a duty not exceeding seventy-five dollars ;

Upon all butchers and dealers in meat or persons selling meat in the streets, a tax not exceeding fifty dollars ;

Upon all auctioneers, bakers, hucksters, carters, livery-stable keepers, brewers, distillers, manufacturers, upon all exchange agents and brokers, pawn-brokers, bankers, banks and agents of banks, upon all insurance companies and their agents, upon all telegraph and telephone companies, owners or occupants of mills, tanneries, scales, upon all bailiffs, clerks of courts, advocates, physicians, notaries, land surveyors, dentists, and upon all persons carrying on a trade or profession, upon all commercial travellers and travelling merchants, a tax or duty not exceeding fifty dollars.

LOANS.

14. The loans of the town, both by means or issues of bonds and otherwise, shall be effected only by means of a by-law of the council to that effect, approved by two-thirds of the proprietors of the town, in number and in value, of real estate, according to the valuation roll in force, of those who vote. By-law required to authorize loan. Approval of such.

EXPROPRIATION.

- Expropriation** **15.** In addition to that which is enacted in the town corporations general clauses act, it is enacted as follows :
- Two arbitra-
tors may act
if third not ap-
pointed by
owner of prop-
erty.** 1. If the owner of the property expropriated refuses or neglects, for more than two days, to appoint an arbitrator, after having received a copy of the resolution of the council to that effect or a demand to appoint such arbitrator, then the arbitrator of the corporation, together with the one appointed by the court, may act alone and with the same effect as if there had been an arbitrator to represent the proprietor expropriated.
- Appointment
of the third ar-
bitrator.** 2. If these two arbitrators cannot agree upon their award or upon the appointment of a third arbitrator, then, upon petition by the corporation, such third arbitrator shall be appointed by the judge of the Superior Court and shall proceed jointly with the others to render the award without delay.
- Payment of
award.** 3. The award shall be followed by payment of the compensation, and upon the refusal of the proprietor to accept or his inability to accept such payment, owing to his absence or for some other reason, such compensation shall be retained by the corporation, which cannot be compelled to pay more than four per cent interest per annum, or it may be deposited, under the requirements of the act respecting judicial and other deposits, 35 Victoria, chapter 5 and its amendments, and such deposit shall take the place of a discharge.
- Amount may
be retained by
corporation or
deposited.**
- Award to be
final title.** 4. The award containing the description of the land taken, passed before a notary and duly registered, shall take the place of an irrevocable and incommutable title.
- English publi-
cations to be
translations
from French.** **17.** When anything has to be published in English it shall be translated from the French original, without it being necessary to have an original in English.
- Coming into
force.** **18.** This act shall come into force on the day of its sanction.