

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.

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.

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

Electors' qua-
lification.

"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.

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

Votes where
given.

"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.

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

Polls.

"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. 29.

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 corpora-
 to be substituted for “Su- tions general clauses act, in so far as the said act may
 perior Court” apply to the town of Farnham, are replaced by the words
 in 40 V., c. 29, “Circuit Court in and for the county of Missisquoi”; and the
 &c. word “prothonotary” is replaced by the words “clerk
 of the Circuit Court in and for the county of Missisquoi”

TAXES.

Power to levy 10. The council shall have power to levy by direct tax-
 by direct taxa- ation upon all rateable property or only upon the rateable
 tion to cover real estate in the town, all the sums required to defray the
 debts, &c. 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 11. The council shall have power further to levy by
 by direct taxa- direct taxation upon all the rateable property or only
 tion upon all upon the rateable real estate of those persons, who, in
 or certain pro- the opinion of the town council, are interested in a public
 priors of real or private work under the direction of the council and
 estate for cer- who derive any benefit from such work, such sum of
 tain purposes. money as may be required for the performance and main-
 tenance of such work;

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

Male inhabi- Upon every male inhabitant, of the age of twenty-one
 tants ; 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 Upon every stock of goods and merchandize kept by
 trade. 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 com- 12. The council shall also have power to compel all
 pel certain persons coming into the town for the purpose of selling
 traders to take bankrupt or other stocks, goods and other effects either by
 out licenses, auction or by private sale or even by a trader belonging to
 &c. 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 Warrant to collect. 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 Seizure of goods. 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.

13. It shall also be lawful for the said council to ordain Power to levy certain business taxes. by by-law, and to impose and levy annual 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 By-law required to authorize loan. 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 Approval of such. real estate, according to the valuation roll in force, of those who vote.

EXPROPRIATION.

- Expropriation **15.** In addition to that which is enacted in the town corporations general clauses act, it is enacted as follows :
- Two arbitra- 1. If the owner of the property expropriated refuses or
tors may act
if third not ap- neglects, for more than two days, to appoint an arbitrator,
pointed by
owner of pro- after having received a copy of the resolution of the council
perty.
 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 2. If these two arbitrators cannot agree upon their
of the third ar- award or upon the appointment of a third arbitrator, then,
bitrator.
 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 3. The award shall be followed by payment of the com-
award.
 pensation, 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
Amount may be retained by the corporation, which cannot be compelled
be retained by to pay more than four per cent interest per annum, or it
corporation or may be deposited, under the requirements of the act re-
deposited.
 specting judicial and other deposits, 35 Victoria, chapter
 5 and its amendments, and such deposit shall take the place
 of a discharge.
- Award to be 4. The award containing the description of the land taken,
final title.
 passed before a notary and duly registered, shall take the
 place of an irrevocable and incommutable title.
- English publi- **17.** When anything has to be published in English it
cations to be shall be translated from the French original, without it
translations being necessary to have an original in English.
from French.
- Coming into **18.** This act shall come into force on the day of its
force.
 sanction.