

CAP. LXXXIX.

An Act to incorporate the Town of St. Jean-Baptiste.

[Assented to 10th June, 1884.]

WHEREAS the rapid increase of the municipality of Preamble.
the village of St. Jean-Baptiste, and that of its
population, renders necessary the incorporation of the
village as a town, under the name of the "Town of St.
Jean-Baptiste;" and whereas, by their petition, the rate-
payers of the said village have prayed for its incorporation
as a town, and whereas it is expedient to grant their
prayer; Therefore, Her Majesty, by and with the advice
and consent of the Legislature of Quebec, enacts as fol-
lows:

1. The inhabitants of the territory known as the "village Town of St.
of St. Jean-Baptiste," as hereinafter described and deter- Jean Baptiste
mined, and their successors shall be and are hereby con- constituted.
stituted a body politic and corporate under the name of
the "town of St. Jean-Baptiste," and by the same name, they General pow.
and their successors shall have perpetual succession, and ers.
shall have power to sue and be sued, implead and be
impleaded, answer and be answered unto 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 pleasure; and shall be in law
capable of receiving by donation, or by legacy, acquiring,
possessing, transferring and alienating any property, mov-
eable or immoveable, for the use of the town, of becoming
parties to any contracts or agreements in the management
of the affairs of the town, and of giving or accepting any
notes, bills of exchange, bonds, obligations, judgments,
securing the payment of any sum of money borrowed or
loaned, or for the execution of any duty, right or thing
whatsoever.

2. The boundaries and limits of the town of St. Jean- Boundaries of
Baptiste shall be as follows, to wit: the town.

All that territory of irregular form, situate and being in
the county of Hochelaga, in the district of Montreal,
bounded to the south-east by the limits of the city of
Montreal; to the north-west by the limits of the munici-
palities of the village of St. Louis du Mile-End and of the
village of Côte St. Louis; to the south-west by Mount Royal
Park, and to the north-east by the limits of the municipality
of the village of la Côte Visitation; the said extent of
territory containing thirteen arpents and a third in its
greatest width, by thirty four arpents and one-half in

length, and containing a superficial area of about four hundred and twenty-five arpents.

Division into wards.

3. The town shall be divided into three wards, which shall be respectively designated and known as "Mount Royal ward," "Centre ward," and "St. Denis ward." They shall be bounded as follows:

Mont Royal ward.

The Mount Royal ward, extending from Mount Royal Park to Papineau Road, and bounded on the south-east by Mary Ann street in the said town, and on the north-west by the limits of the municipalities of the village of Côte St. Louis and of the village of St. Louis du Mile-End;

Centre ward.

The Centre ward, extending from Mount Royal Park to Papineau Road, between Mary Ann and Rachel streets in the said town;

St. Denis ward.

The St. Denis ward, extending from Mount Royal Park to Papineau Road, between Rachel street in the said town and the limits of the city of Montreal.

Change of limits of wards or different division.

4. Whenever a ward of the town of St. Jean-Baptiste contains more than seven hundred municipal electors, the town council may, upon a petition to that effect, signed by at least twenty-five municipal electors in such ward, and presented in the usual manner, after causing the number of electors in such ward to be ascertained by the secretary-treasurer of the council, either alter the boundaries of the ward so as to reduce the number of electors to at least seven hundred, or otherwise divide the town into wards without altering the number thereof, and in the latter case the number of representatives shall be increased to three.

Number of councillors for each ward.
Election of new councillors, and term of office.

Nevertheless the number of councillors for each ward shall never exceed three.

The election of these new councillors will take place in the usual manner, and the councillors of the said town shall then be elected for three years.

COMPOSITION OF THE COUNCIL.

Composition of town council.

5. The council of the town of St. Jean-Baptiste shall consist of a mayor and six councillors, elected in the manner hereinafter prescribed; the whole subject to the provisions of section 4 of this act.

Term of office of mayor and councillors.

6. The mayor shall be elected for one year, and the councillors for two years, subject to the provisions of section 4 of this act.

MUNICIPAL ELECTORS.

Right of voting at elections.

7. Every person shall be a municipal elector, and as such shall have the right to vote at the election of mayor

and councillors, and to exercise all the rights and privileges conferred on municipal electors by the provisions of this act, who, at the time he exercises such rights and privileges, fulfills the following conditions :

1. He must have attained the age of majority, and be a Qualifications.
British subject ;

2. He must have been in possession, in the municipality during the preceding three months, either in his own name or in the name and for the benefit of his wife, as shewn by the valuation roll in force, as proprietor of real estate of the actual value of at least one hundred dollars, or as tenant, farmer, or lessee, or as occupant by any title whatsoever, of real estate of the annual value of at least twenty dollars ;

3. He must have paid all the municipal and school taxes on or before the thirty-first day of December preceding the election ;

4. His name must be entered on the valuation roll in force in the municipality, either as proprietor, lessee or occupant, or on the list of municipal electors, if there be such list.

8. The meeting of municipal electors for the election of mayor and councillors shall be held in the town-hall, unless Place of holding meeting for election. some other locality be designated by the resolution of the town council specifying the nomination and polling days for the election, and the locality shall be designated in the public notice to that effect. The proceedings of the meeting shall commence at ten of the clock in the forenoon. Hour of opening.

When a poll is demanded either for the election of mayor Polls. or for that of councillors for the different wards of the town, it shall, subject to the above provisions, be held in the town-hall.

9. The first general election for the town of St. Jean-Baptiste shall be held in the month of January, 1885, in the manner provided by section 52 of the Town Corporations' General Clauses act, and such election shall be First general election. presided over by a person chosen for the purpose, by the Chairman. municipal council of the town as it at present exists.

10. The councillors of the town of St. Jean-Baptiste shall be elected for two consecutive years ; but in such Term of office of councillors and manner of replacing them. manner that, every year, three of the councillors shall go out of office, one for each ward, that is to say that one year after the general elections, which shall take place as provided by this act, it shall be decided by lot, at a regular meeting of the council, which three councillors, one for each ward, shall go out of office at the expiration of such first year.

Notice for
general elec-
tions.

11. Eight days before the said general election and eight days before every general or partial election which may hereafter be held at the same time, public notice shall be given, by the secretary-treasurer or by the mayor, or officer presiding over such election, calling upon the electors of the municipality to attend a general meeting for the nomination, at the place and date indicated.

Officer presid-
ing election.

12. The election shall be presided over by the person selected for that purpose by the council or, in his default, shall be presided over *ex-officio* by the secretary-treasurer of the municipality and, in default of the latter, by a competent person, who can read and write, chosen by the majority of the electors present.

Election clerk.

The presiding officer shall, in all cases, appoint an election clerk to assist him in the execution of his duties relative to the elections. In the event of the secretary-treasurer being absent or unable to act, the election clerk shall discharge all his duties under the same penalties.

Value of prop-
erty required
to give right
to vote.

13. If any person possess in the municipality, as proprietor, parcels of real estate, the value of which does not amount to one hundred dollars each, and which are situated in different wards, he may, provided the total aggregate value of such real estate be at least one hundred dollars, vote in the ward in which he resides, for the election of mayor, and for the election of the councillors of such ward.

Elector to vote
only once.

14. An elector shall vote only once for the election of mayor and for the election of councillors of each ward, in which he is qualified to vote, under a penalty of twenty dollars or of imprisonment for two months, in default of payment.

MISCELLANEOUS PROVISIONS.

Power to bor-
row money to
certain
amount.

15. It shall be lawful for the town council to borrow, upon the credit of the town, such sum or sums of money as the town council may deem advisable to borrow, in order to effect improvements in the town, to erect public buildings, to drain the streets or provide the town with water and light, and finally for all purposes which the council may deem useful or necessary; but the amount borrowed and remaining unpaid shall not, at any time exceed fifteen per cent of the total assessed value of the taxable real-estate in the town.

Manner of ef-
fecting loans.

16. The loans effected by the town, both by the issue of bonds or otherwise, shall only be made by by-law of the

council to that effect, approved by the majority in number and in value of the real-estate owners who are municipal electors, and who vote on such by-law.

17. Upon petition of the majority in number and value of the proprietors of real-estate situate in one of the streets of the said town, it shall be lawful for the town council to cause the necessary works to be performed for laying water and drainage pipes in such street. Corporation may lay water and drainage pipes.

In order to raise the necessary funds to meet the whole or a portion of the expenses incurred in laying water and drainage pipes or the latter only, the town council shall have the right to levy the amount thereof by a special assessment upon each proprietor of real-estate situate in the street in which such works are carried on, according and in proportion to the frontage of their respective properties. Levy for such purpose.

Such assessment shall be payable during ten years, to wit; one tenth, each year, of the whole or of a portion of the cost of such works, with interest at six per cent. per annum. Method of payment of such tax.

18. In order to raise the necessary funds to meet the expenses of the town council, and to provide for the several necessary public improvements in the said town, the town council shall be authorized to levy annually by simple resolution or by by-law, as it may deem proper, on persons and on moveable and immoveable property in the town, the taxes hereinafter designated, that is to say : Power to levy taxes for public improvements upon certain property.

1. On all lands, town lots and parts of town lots, whether there be buildings erected thereon or not, a sum not exceeding one cent in the dollar on their total real value, as entered on the valuation roll of the said town ; Real estate.

2. On the owner or possessor of the following moveable property, a sum not exceeding two cents in the dollar, according to the values hereinafter specified : Personal property.

Every horse kept for hire, at sixty dollars ;

Every horse kept for ordinary domestic purposes, at fifty dollars ; Horses for hire.
Horses for domestic purposes.

Every head of horned cattle, at twenty dollars ; Cattle.

Every covered carriage with four wheels and two seats, at two hundred dollars ; Covered carriage.

Every open carriage with four wheels and two seats, at eighty dollars ; Open carriage.

Every gig or light waggon with one seat, at forty dollars ; Gig.

Every two horse sleigh, at eighty dollars ;

Every one-horse sleigh, at forty dollars ;

Two horse sleigh.
One horse sleigh.

Exemptions.

Every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or working vehicles, including farmers' waggons, the owners or possessors whereof pay the town for licenses as carters, or common carriers, shall be exempt from such taxes ;

Tenants.

3. On each tenant paying rent in the town and occupying a property, valued at less than ten thousand dollars, an annual tax not exceeding three cents in the dollar on the amount of his rent ;

Capitation tax.

4. On each male inhabitant of the age of twenty-one years or over, not being a proprietor or tenant, nor an apprentice, nor a domestic servant, who shall have resided in the town for six months, an annual sum of one dollar ;

Dogs.

5. On every person keeping a dog or dogs, in the said town, an annual sum not exceeding two dollars for each dog ;

Bitches.

6. On every person keeping a bitch or bitches in the town an annual sum not exceeding three dollars ;

Business tax upon certain houses of entertainment, trades, &c., &c.

7. And it shall be lawful for the town of St. Jean-Baptiste, for the purposes mentioned in the preceding section, to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and temperance hotels, and on all retailers of 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 or keepers of wood-yards, or coal-yards, and slaughter-houses in the said town, and on all money-changers or exchange brokers, pawn-brokers, and on all bankers and banks, and all agents of bankers and 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 excised in the said town ; and the amount of such dues or taxes shall be fixed and determined by a by-law or by-laws of the council of the town of St Jean-Baptiste, and shall be in proportion to the amount of the business, industry, trade, and revenue of each person, according to the valuation, which shall be annually made by the assessors, and shall be fixed and determined by the council, in its discretion ; provided that in no case shall the amount of duties or annual taxes exceed one hundred dollars.

And every person, in the said town, practising the profession of an advocate, physician, dentist, land-surveyor, or notary or any other liberal profession, or acting as a civil officer appointed by the federal or by the provincial government, or as prothonotary of the Superior Court of this Province, or as sheriff, provincial land surveyor or employed in the service of another and whose salary exceeds five hundred dollars shall, for the same purposes, be assessed at a sum not exceeding six dollars annually; and the said town council may order the assessors to make the roll of the persons, industries, companies, employments, quality and moveable property mentioned in the different parts of this section.

19. Every person having an office in the said town, and practising therein the profession of an advocate, physician, land-surveyor, notary, dentist, surgeon, oculist or any other liberal profession, shall pay an annual tax not exceeding four dollars.

Taxes upon certain professional men for their offices.

20. All arrears of municipal taxes imposed upon real estate are prescribed by three years, and all other arrears of municipal taxes or claims by five years, unless in both cases legal proceedings have been taken to effect or prevent the collection thereof during the said period, and in such case the delays for prescription shall only begin to run from the date when such proceedings are concluded.

Prescription for arrears of municipal taxes.

21. The payment of municipal taxes may be also claimed by an action brought in the name of the corporation, before the Circuit Court for the district or before two justices of the peace, provided that the amount claimed be under one hundred dollars currency.

Suits for payment of taxes.

22. On or before the fifteenth of November in each year, the secretary-treasurer of the school commissioners or trustees of the town of St. Jean-Baptiste, if ordered so to do by the said school commissioners, shall prepare a statement of all the assessments remaining due on the collection rolls for the taxes of the current year and of the arrears due to the school municipality by the inhabitants who are owners of lots or properties within the limits of the town, or incurred under any act relating to common schools, with a designation of such lots or properties in respect of which such taxes or assessments or other debts shall be due and shall transmit to the secretary-treasurer of the town of St. Jean-Baptiste a duly certified copy of such statement.

Annual statement of arrears of assessments and rates to be drawn up by secretary-treasurer of school commissioners.

List of lands
to be sold each
year for taxes.

Such list to
contain ;
Names, &c., of
persons in-
debted ;

Amount due
for school
taxes ;

Description of
the land ;

Total amount
of taxes due.

Notice to be
published,

Announcing
day of sale.

Sale of im-
moveables for
taxes, &c.

Exempt from
auction duty.

Sale how pro-
ceeded with
and by whom
made.

232. On or before the first day of December in each year, the secretary-treasurer of the town shall prepare, if he is ordered to do so by the council, a list of all the lands, town lots or parcels of lots or other immoveables in the town liable to taxation, upon which any assessments or other dues remain unpaid, and such list shall show :

1. The names and condition, as indicated on the valuation roll, of all persons indebted for municipal taxes or dues on real estate owned or occupied by such persons ;

2. The amount of school taxes due by each of these persons up to the time of the making out of such list, if a statement of such arrears has been presented in time at the office of the council by the secretary-treasurer of the school commissioners or trustees ;

3. A description of the real estate liable for municipal or school taxes ;

4. The total amount of such taxes affecting such real estate for municipal or school purposes ;

He shall cause to be inserted at least twice, once during the month of December and once during the month of January, in a French newspaper and in an English newspaper published in the district of Montreal, and in French and English in the "Quebec Official Gazette," a notice containing a list of all such immoveable property, respectively, upon which taxes or assessments remain due, showing opposite or after their numbers or designations the amounts to be levied for the discharge of these taxes or assessments or other dues, including all costs and expenses incurred up to the publication of the said notice, exclusively, and announcing that the immoveables will be sold on the first Monday of the month of February then next following, or on the following day if such first Monday be not a juridical day, at the place where the sittings of the council are then held, for the payment of the taxes or assessments or other dues, and he shall moreover give public notice of such sale on the two Sundays immediately preceding the day of the sale, specifying the place, day and hour at which such sale will commence.

233. All goods and chattels, to be sold under the authority of this act, for the payment of taxes or assessments or other dues, shall be offered at public auction ; but such goods or chattels so publicly sold, shall be exempt from auction duty, and need not be sold by a licensed auctioneer.

234. At the time appointed for the sale, the secretary-treasurer of the town of St. Jean-Baptiste, or some other person acting for him, shall sell to the highest bidder those

of the lands described in the list upon which taxes are still due, after making known the amount to be levied on each of such lands, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt.

26. Any person, offering then and there to pay the Adjudication. amount of the monies to be levied together with the costs, for the smallest portion of such lands, becomes the purchaser thereof, and such portion of the land must be at once adjudged to him by the secretary-treasurer, who sells such portion of the property as appears to him best in the interest of the debtor.

27. The purchaser of any land or portion of land must Price to be paid at once. pay the amount of his purchase money immediately upon the adjudication thereof.

In default of immediate payment the secretary-treasurer Proceedings in default of immediate payment. either at once puts up the land for sale or adjourns the sale to the following or any other day, not more than eight days distant, by giving all persons present notice of such adjournment in an audible and intelligible voice.

28. If, at the time of the sale no bid is made or if all the Adjournment of sale in certain cases. lands put up cannot be sold on the first Monday in February, the sale must be adjourned to the following or any other day within eight days, in the manner set forth in the last provision of the preceding section.

29. On payment by the purchaser, of the amount of his Certificate from secretary-treasurer upon payment by purchaser. purchase money, the secretary-treasurer shall give a certificate under his signature to such purchaser specifying the particulars of such sale, and one certificate will suffice for the adjudication of several lots to the same person, and the purchaser is immediately seized of such lot or parcel of land and may forthwith enter upon and take possession thereof. The secretary-treasurer shall have a right to a Fee therefor. fee of not more than one dollar and a half for the said certificate, as the council may order.

30. No such purchaser of any lot of land or part thereof Duties of the purchaser. shall deteriorate it in any way nor carry away the buildings or fences erected on such property or any part of it; and it shall be the duty of the former proprietor, before he Duty of former proprietor before he can retake possession. can recover possession of his lot of land or part of it so sold, in addition to what he is bound to pay, to repay to the said purchaser all the taxes and the value of all public or vicinal work which he has paid or performed during the time the land was in his possession.

Right of redemption.

31. If, within two years from the day of such sale, the original owner of the lot, or any one on his behalf pays to the secretary-treasurer the amount levied, together with, in addition, an indemnity of fifteen per cent. per annum, any fraction of a year being counted as a complete year, then he shall be entitled to recover possession of the lot of

Duty of secretary-treasurer.

land so sold, and the secretary-treasurer shall, on demand, pay to the purchaser thereof, his heirs, assigns or representatives, the amount so received by him, after deducting therefrom two and a half per cent., as his own fees; and thereupon (subject to the condition contained in the next following section) the right acquired by the purchaser in the land shall thenceforth wholly cease and become void, and the purchaser may compel the owner, or the person who redeems the land in the name of the owner, to indemnify him for all necessary repairs and improvements made by him on the land so redeemed, unless he removes the same, and also to reimburse him the amount of the taxes paid, and of the public or municipal work performed on account of such land, with an indemnity on the whole at the rate of fifteen per cent. per annum, every fraction of a year being reckoned as a year. The purchaser may retain possession of the land redeemed until payment of such claim.

Effect of redemption.

Power of purchaser to retain possession until claim paid.

Redemption may be effected by any one in name of original proprietor and for him.

32. Any person may redeem any such lot or parcel of land so sold, whether thereto authorized or not by the original proprietor, but for and in the name of such proprietor only.

Name of person paying to be mentioned in receipt.

33. Whenever any such redemption is effected by a person not specially authorized, the secretary-treasurer shall mention, in the receipt given by him for the redemption money, the name and designation of the person paying the same.

Receipt to be in duplicate and to whom to be delivered.

34. Every such receipt shall be made in duplicate; one duplicate shall be delivered to the person paying the redemption money and the other shall remain of record in the office of the secretary-treasurer.

Value of receipt.

35. Every such receipt or a copy thereof, certified by the secretary-treasurer, shall be proof of the payment mentioned therein, and, when registered in the registry office of the county of Hochelaga, shall secure to the person therein mentioned, his heirs or assigns, a privilege and hypothec, ranking before all other claims upon the lot or parcel of land so sold, for the reimbursement of the sum therein mentioned, with interest to be reckoned from the

date of such receipt, except claims for *cens et rentes* or *rentes constituées* representing *cens et rentes* as provided by the Seigniorial Act of 1854, and the acts amending the same.

36. If, at the expiration of two years from the time of such adjudication, the land so adjudged is not redeemed as aforesaid, then the secretary-treasurer, on demand by the purchaser, his heirs, assigns or representatives, and upon proof of the payment of the arrears of all other assessments which, in the meantime, have become due thereon, shall execute a deed of sale in due form, conveying, in the name of the mayor and town of St. Jean-Baptiste, the property so adjudged to such purchaser, his heirs and assigns.

Deed of sale to be given to purchaser if land not redeemed within two years.

37. Such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also relieve such land of all privileges and hypothecs due thereon, except the right to *cens et rentes* or *rentes constituées* representing *cens et rentes* as provided by the Seigniorial Act of 1854, and the acts amending the same.

Effect of such deed of sale.

38. The town of St. Jean-Baptiste shall not be responsible for irregularities which would annul the sales of lots of land within the limits of the town when these irregularities shall be the act of the school commissioners or trustees, their agents or servants; but the said school commissioners or trustees for the municipality of the town of St. Jean-Baptiste alone shall be answerable for the same.

Responsibility for irregularities in sales for school rates.

In actions taken against the town of St. Jean-Baptiste on account of such irregularities, the said town of St. Jean-Baptiste shall have a right to exercise its recourse in warranty against the said school commissioners or trustees by direct action or otherwise for the recovery of all damages, interest, indemnity or costs which the town is liable for, on account of such irregularity.

Recourse in warranty by town against school commissioners.

39. The secretary-treasurer of the town of St. Jean-Baptiste shall alone have the right in future to sell lots of land in the town of St. Jean-Baptiste for the recovery of municipal or school taxes and assessments as above mentioned.

Exclusive right of secretary-treasurer to sell lands for arrears.

40. Whenever the secretary-treasurer of the said school commissioners or trustees shall transmit to the secretary-

Duty of secretary-treasurer upon receipt of

List of arrears
of school taxes.

treasurer of the town of St. Jean-Baptiste a list or statement, showing the lots on which the school commissioners or trustees claim school taxes or assessments, or arrears, and the names of the proprietors of the said lots and other particulars required, with an order from the said school commissioners or trustees to advertise such lots for sale, for the collection of such taxes, assessments or arrears, the said secretary-treasurer of the town of St. Jean-Baptiste shall advertise them for sale and shall collect the said school taxes or assessments by the sale of the said lots of land in the manner above-mentioned for the collection of municipal taxes, whether he be ordered to do so by the council or not.

Prescription
of actions to
annul sales for
taxes, &c.
Same of ac-
tions of dam-
ages.

41. Every action to annul a sale, made in virtue of this act, for taxes or assessments by order of the mayor and council of the town of St. Jean Baptiste, or of the school commissioners or trustees for the municipality of the town of St. Jean Baptiste, shall be taken within the two years following the adjudication of the property sold; and no action to annul a sale made as aforesaid, or to recover damages either against the town of St. Jean Baptiste or the school commissioners or trustees, shall be maintained, unless it is taken within the two years of the said adjudication.

Extent and
effect of such
prescription.

42. The denial of such action enacted by the preceding section shall extend to any exception or plea whatever setting forth the nullity of every such sale or claiming damages and interest.

Privilege for
debts due.

43. All debts, now due to the said town of St. Jean Baptiste for taxes and assessments, or which may be due in future for the same object, shall be privileged debts, and shall be paid in preference to all other debts, and shall, in all cases of distribution of monies, be allowed to the said town, in preference to all other creditors, and this privilege shall apply only to the taxes and assessments of the last three years, and shall have its full and entire effect without its being necessary to have recourse to registration.

Inspection of
buildings.

44. The council may, by by-law, authorize any building inspectors and any other officers who shall be appointed by the said council for that purpose, to inspect and examine the interior or exterior of all buildings, constructions, and lots in the said town, in order to ascertain whether the same are in accordance with the law or the by-laws of the council and compel every proprietor or occupant of such houses or buildings to give free access to such inspectors or officers; and, further, to authorize such inspec-

tors or officers to demolish any building, house, chimney, or walls which may be a source of danger to the citizens of the said town or oblige such buildings to be abandoned and destroyed at the expense of the proprietors, as the council may deem proper.

FINAL PROVISIONS.

45. The members of the council of the village of St. Jean Baptiste shall all go out of office in the month of January next, and, in the interval before such date, they shall constitute the council of the town of St. Jean Baptiste and exercise all the powers conferred upon the said town by this act. Provisional council.

In the event of the resignation or inability to exercise the office either of mayor or of councillor during the course of the present year, the said mayor or councillors shall be replaced in the manner provided by the Municipal Code of this Province. Resignation, &c., provided for.

46. All the by-laws, ordinances, agreements, provisions, undertakings and contracts and things passed and agreed to by the council of the village of St. Jean-Baptiste, and all valuation or collection rolls, whether general or special, made and homologated by the council of the village of St. Jean-Baptiste, shall continue to have full effect and remain in force, both for the past and the future, in the town of St. Jean-Baptiste, as if this act had not been passed, and the corporation of the town, as constituted by this act, shall succeed and be substituted, for all purposes whatsoever, to the obligations, rights, and claims of the corporation of the village of St. Jean-Baptiste. By-laws, &c., of village continued.

And, in order to avoid law-suits which might entail considerable costs upon the town of St. Jean-Baptiste, the town of St. Jean-Baptiste shall not be obliged to reimburse to any one whomsoever, the taxes or assessments collected under the valuation and collection rolls made, prepared and homologated, for the village of St. Jean-Baptiste and at present in force; which said valuation and collection rolls are hereby declared legal for all purposes whatsoever; and the said taxes shall be considered as having been legally paid. Taxes, &c., collected under village rolls not to be reimbursed by town.

The said by-laws shall be applied in the manner prescribed when they were passed, by substituting the corporate name of "the town of St. Jean-Baptiste" for that of "the corporation of the village of St. Jean-Baptiste," or "the municipality of the village of St. Jean-Baptiste." Application of by-laws.

47. The moveable or immoveable properties, situate in the municipality of the town of St. Jean-Baptiste, and Certain property, though

exempt from taxes, liable for certain assessments.

which, according to law, are or shall be declared exempt from taxation for the purpose of meeting the general expenses of the municipality, shall nevertheless be taxable for the purpose of making and maintaining roads, streets, water-courses, drains and ditches, and the proprietors, possessors, holders and occupants of such properties shall be bound to pay to the town the special tax fixed by the council by by-law to meet the expenditure occasioned by such works.

Also for water rates.

The said properties shall likewise be assessable, and the owners thereof shall be bound to pay all special assessments or water-rates which may be imposed by the council.

Levy of such taxes.

These taxes shall be levied and collected in the usual manner.

Taxes upon common carriers.

48. The town of St. Jean-Baptiste shall have power to levy, apart from the taxes mentioned in the various sections of this act, a special tax upon persons and companies plying, within the limits of the town of St. Jean-Baptiste, the trade of common carriers, either for the transporting of merchandize or travellers within the limits of the town of St. Jean-Baptiste or from within the limits of the town to some other place.

Imposition of such taxes.

Such tax shall be imposed by a by-law to that effect and shall not exceed twenty dollars per annum for each vehicle, whether for summer or for winter use, employed in such trade of common carrier, and may be levied under the form of a license or otherwise, in such manner as the council shall decide.

Such taxes may be commuted for an annual payment.

The council of the town may, however, agree with all companies or persons, plying the said trade of common carrier, upon the payment of an annual sum for the privilege of so doing, and may use its discretion in granting such privilege.

Proviso.

But nothing in this act shall be considered as withdrawing the town of St. Jean-Baptiste from the effect of the provisions of article 583 of the Municipal Code.

Fiscal year.

49. The fiscal year for the town of St. Jean-Baptiste shall run from the first of January to the first of January of the following year, and at the end of each year the books of account of the town shall be audited and balanced.

Investment of sinking fund.

50. The council of the town of St. Jean-Baptiste shall have power, by a resolution to that effect, to invest, to the best advantage, in federal, provincial or municipal debentures, or the debentures of school corporations, the sinking fund already accumulated by means of debentures issued under by-law No. 10 of the village, or any other

sum to the credit of the town. Such sinking fund may be also employed in redeeming the debentures of the Village of St. Jean-Baptiste.

ANNEXATION.

51. The council of the town of St. Jean-Baptiste, shall have the power to pass any by-law to annex the territory of the town of St. Jean-Baptiste to the city of Montreal. Power of council to annex town to Montreal.

52. By such by-law it shall be provided under what conditions such annexation shall take place, as to the representation, in the council of the city of Montreal, of the inhabitants of the territory to be annexed, and as to the settlement of the debt of the town of St. Jean-Baptiste. Conditions of annexation.

53. The territory so annexed shall form one of the new wards, or shall form part of one or more of the wards of the city of Montreal, the number whereof shall be increased or diminished, or the limits whereof may be changed as the council of the city of Montreal may decide, and which it shall have power to do ; and such new ward so formed, which shall be known as the "St. Jean-Baptiste ward," and may be represented in the council of the said city of Montreal by a number of aldermen, not exceeding three, who, if possessing the qualifications required by the charter of the city of Montreal, shall be elected in the manner prescribed by such charter, by the municipal electors of the territory so annexed, having the qualifications required by the charter of the said city, a list of whom shall have been previously prepared with due diligence by the secretary-treasurer of the said town of St. Jean-Baptiste, who shall forward such list to the city clerk of the said city of Montreal. Name of the town after annexation. Aldermen.

54. Every by-law, passed by the council of the town of St. Jean-Baptiste to annex, upon the conditions therein mentioned, its territory to the city of Montreal, shall, in order to have force and effect and under pain of nullity, be duly approved by a vote of the majority of the council of the city of Montreal, to whom the power so to do is granted by this act, and shall further be approved, as soon as possible, by the majority of the municipal electors who are proprietors in the territory to be annexed, who have registered their votes upon such by-law. Approval of by-law for purpose of annexation.

55. After the above mentioned final approval by the electors of the territory so to be annexed, and within the thirty days following the forwarding of the list of electors Election of aldermen after annexation.

by the said secretary-treasurer to the said clerk of the said city as above mentioned, it shall be the duty of the council of the city of Montreal to proceed to the election of aldermen to represent the new ward in the council of the said city, which said aldermen shall remain in office as provided in the charter of the city of Montreal, or as shall be provided by any by-law to that effect.

Term of office. When these formalities shall have been complied with, the new ward shall be incorporated with the city of Montreal, and shall be subject to all its existing or future by-laws, and shall enjoy all the rights, privileges and immunities conferred upon the said city, by its charter and the acts which amend the same, and shall be subject to all duties and obligations provided for in the said charter and its amendments; but none of the provisions of this act shall have the effect of modifying or amending the charter of the city of Montreal, except in so far as what is mentioned in this act respecting annexation, and only in

Effect of complying with these formalities. so far as to modify and amend section 4 of the said charter of the said city of Montreal, 37 Victoria, chapter 51

Sections 50, 70, 86, 87 and 239 of 40 V., c. 29, not to apply to town. **56.** Sections 50, 70, 86, 87, and 239 of the Town Corporations General Clauses Act, and of the acts amending the same, shall not apply to the town of St. Jean-Baptiste and are specially excepted; and all the provisions of the Municipal Code of this province, not inconsistent with this act, shall apply thereto and form part thereof and specially article 942a, so long as the said town of St. Jean-Baptiste, shall not be annexed to the said city.

Sections 51, 52, 53, 54, and 55 of this act to apply to Côte St. Louis and St. Louis de Mile End. **57.** Whereas the interests of the municipalities of the villages of Côte St. Louis and St. Louis de Mile End are identical with those of the village of St. Jean-Baptiste, respecting their annexation to the city of Montreal, it is hereby enacted that sections 51, 52, 53, 54, and 55 of this act shall, *mutatis mutandis*, apply to the said municipalities.

Provisions as to school commissioners of village of St. Jean Baptiste when annexed to Montreal. **58.** When annexed to the city of Montreal, the school commissioners of the municipality of the village of St. Jean-Baptiste may continue to form a distinct corporation under the name of the "school commissioners of the parish of St. Jean-Baptiste de Montréal," subject to the provisions of the laws concerning public instruction.

Provisions as to dissentient schools in new wards of Montreal. **59.** The dissentient school trustees of all the new wards, annexed to the city of Montreal, shall transfer all their school property and all arrears of school taxes to the Protestant board of school commissioners of the city of Montreal, who shall thenceforward have the management

of the said schools ; and the said new wards shall be subject to the laws now in force in the city of Montreal for all the purposes of protestant schools.

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

CAP. XC.

An Act to incorporate the Town of Sainte Cunégonde.

[Assented to 10th June, 1884]

WHEREAS the provisions of the Municipal Code no longer suffice for the present requirements of the municipality of the village of Sainte Cunégonde and it has become necessary to establish more ample provisions for the internal management of the said village, and whereas a petition to the Legislature has been duly presented to that effect ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

CORPORATION.

1. The inhabitants of the territory known as the "village of Sainte Cunégonde" and their successors shall be and are hereby constituted a body politic and corporate under the name of the "town of Sainte Cunégonde," and, by 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, or by legacy, acquiring, possessing, transferring and alienating any property, movable or immovable, for the use of the town, of becoming parties to any contracts or agreements in the management of the affairs of the town, and of giving or accepting any notes, bills of exchange, bonds, obligations, judgments, securing the payment of any sum of money borrowed or loaned, or for the execution of any duty, right or thing whatsoever.

2. All acts, orders, by-laws and resolutions, now in force, shall remain in force until they are amended, annulled or repealed by the council of the said town or by any other competent authority, and all notes, debentures and obligations whatever consented to, contracted or issued by the