

Abandonment of appeal. 400. Every appellant who neglects to make the service, required by section 393, or, who having made the same, neglects effectually during six months to prosecute the appeal, shall be deemed to have abandoned such appeal, and the court, on application by the respondent, shall declare all the rights and claims, founded on the said appeal, forfeited with costs in favor of the respondent, and shall order the transmission of the record to the court below.

Sureties bound to satisfy judgment in appeal. 401. The sureties shall be bound to satisfy the judgment under penalty of seizure and execution, and in the same manner as the principal party, fifteen days after service of the judgment upon them.

No appeal in municipal matters from judgment of Superior Court. 402. No appeal shall lie under the provisions of this act from any judgment rendered by any judge of the Superior Court, respecting municipal matters.

No certiorari allowed. 403. No judgment, decision or conviction, subject to appeal under this act, can be set aside by *certiorari* in the Superior or Circuit Court.

FINAL PROVISIONS.

French version of act to prevail. 404. In the event of a discrepancy between the English and French versions of this act the French version shall be adopted in preference.

Interpretation acts to apply, and coming into force of act. 405. The present act shall come under the effect of the interpretation act or acts of the Province of Quebec and shall come into force on the day of its sanction.

C A P. L X X X I.

An Act to incorporate the town of Laurentides.

[Assented to 30th March, 1883.]

Preamble. WHEREAS the inhabitants of a portion of the parish of St. Lin, comprising the territory hereinafter described, have, owing to the increase of their population, and to the fact that the provisions of the Municipal Code are no longer sufficient to allow such inhabitants to effect the improvements which they intend to make, prayed for the erection of the said territory, including the village of St. Lin and some rural properties adjoining thereto, into a town corporation, to have and bear the name of the town

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

1. The town of Laurentides shall comprise the territory Boundaries of town. bounded and described as follows :

“ On the north concession of L’Achigan river, all the depth of the lots from the river to the concessions of côtes Jane and St. Alphonse, from lot number 1646 of the official plan and book of reference of the parish of St. Lin, in the county of l’Assomption, in the district of Joliette, inclusively, descending the said river to lot number 339 of the same official plan and book of reference exclusively ; and on the south concession of the said river L’Achigan, all the depth of the lots on the said river, commencing at lot No. 230 inclusively, and ascending the said river as far as and including the lots numbers 218, 219 and 220 of the aforesaid plan and book of reference ” ; and the inhabitants of the said territory are constituted a corporation under the name of : “ the town of Laurentides.” Name of town.

2. All procès-verbeaux, by-laws, ordinances, rules and resolutions, lawfully in force in the municipality of the parish of St. Lin, and having reference to the territory above described, shall be in force in the corporation of the town of Laurentides, until repealed by the council thereof : Existing procès verbaux, &c.

3. The town shall comprise four wards, known and designated under the names of “ Wards No. 1, No. 2, No. 3, and No. 4.” Wards.

Ward No. 1 shall consist of that portion of the town on the north side of L’Achigan river, from lot No. 1646 on the official plan and book of reference of the parish of St. Lin, county of L’Assomption inclusively, descending the river, to St. Isidore street, the west side of the street included ;

Ward No. 2 shall consist of the other portion of the town situate on the north side of the L’Achigan river ;

Ward No. 3 shall consist of that portion of the town on the south side of the river, commencing at lot No. 230 inclusively, and ascending the river to Villiotte street, the east side of the street included ; and

Ward No. 4 shall consist of the remainder of the territory of the town.

4. The affairs of the town shall be managed by a council, composed of a mayor and of six councillors ; the mayor shall be elected in the manner prescribed by the Town Corporations General Clauses Act, and the councillors in the manner following : two for each of the wards No. 1. and Council and manner of election.

No. 2, and one for each of the wards No. 3 and No. 4; and such council shall be known and designated under the name of "the corporation of the town of Laurentides."

Name.

Duration of office of mayor and councillor.

5. The mayor shall be elected for the term prescribed by the Town Corporations General Clauses Act above mentioned, and the councillors for the term of two years.

Retiring from office.

6. Three of the councillors elected at the first general election, shall go out of office at the time of the general elections to be held in the following year. They shall be taken, one for each of the wards No. 1 and No. 2, and one from the two wards Nos. 3 and 4. They shall be chosen by lot by the council at the general meeting preceding such election. If the council should neglect to draw lots, then the officer presiding over the election shall do so, on the day of the meeting of municipal electors convened for the purpose of nominating a mayor and councillors, and the said council shall be thus partially renewed from year to year. The three councillors remaining in office shall go out at the following general election.

General elections.

7. The general elections shall be held as follows: the first within thirty days from the sanction of this act and afterwards, from year to year, on the second Wednesday of February, and they shall be held in accordance with the formalities prescribed by the Town Corporations General Clauses Act.

Quorum.

8. The quorum of the council shall be four members.

POWER TO MAKE BY-LAWS.

Power to make by-laws:—

9. The council of the town may, in addition to those mentioned in the Town Corporations General Clauses Act, make by-laws for the following purposes, to wit:

GENERAL PROVISIONS.

Good order, &c in town.

10. For the good order, welfare, improvement, cleanliness, health, internal economy and local government of the town, and for the prevention and suppression of all nuisances and all acts and proceedings in the town, obstructive, opposed or disadvantageous to the good order, morality, welfare, improvement, cleanliness, health, internal economy, or local government of the town, and for the better protection of the life and property of the inhabitants of the town and to prevent accidents by fire;

TAXES.

11. To levy, by means of direct taxation upon taxable real estate in the town, and upon taxable property, all sums of money necessary to meet the expenses of administration or for any special purpose within the limits of the powers of the council ; Levy taxes for expenses of administration ;

12. To levy, by means of direct taxation, the funds required for any purpose whatever within the powers of the council, upon all taxable property, or only upon taxable real estate, within the limits of the town, upon petition of the majority of the rate-payers liable for such tax, to the amount and on the conditions set forth in the petition ; Levy special taxes.

13. To levy annually, upon every tenant who pays rent, a sum not exceeding three cents in the dollar, upon the amount of such rent ; Tenants tax ;

14. To levy annually, on immoveable property within the limits of the town, a sum not to exceed one cent in the dollar on the whole value as entered in the valuation roll of the said town ; Tax on real estate ;

15. Rural property and that under cultivation within the limits of town shall be taxed only in the proportion of one half of their valuation as shown on the above mentioned roll ; Rate of taxes on rural property ;

16. To impose and levy upon every merchant, trader and commercial firm, carrying on any kind of business whatsoever in a store, warehouse, or shop, within the limits of the town, which the council may divide into classes, an annual tax of not less than thirty dollars, according to their respective classes ; Personal taxes on merchants, &c ;

PUBLIC AND PRIVATE MARKETS.

17. To establish and regulate public markets and private butchers' or hucksters' stalls, and to regulate and license the sale of fresh or salt meats, vegetables, fish or other articles usually sold on markets ; Regulate markets ;

LICENSES.

18. To compel hotel-keepers and tavern-keepers to pay, for the granting of a certificate for a license, a sum not exceeding fifty dollars, according to the scale which may be established by the council of the town, the whole under Licenses for hotels, &c.

such penalty as may be fixed by the council; provided that such penalty be not in contravention of the general law in force in the Province of Quebec.

Taxes, &c.,
upon houses of
public enter-
tainment, &c.,
and business
taxes.

19. It shall also be lawful for the council to regulate by by-law or by-laws, and to impose and levy certain annual taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses and all retailers of spirituous, vinous and fermented liquors; or to impose a duty or tax upon the respective certificates of the electors when approved by the council for obtaining their license; 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; on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers and distillers; on all traders and manufacturers, and their agents; on all proprietors or keepers of wood-yards, or coal-yards, and slaughter-houses; all money-changers or exchange brokers, pawn-brokers and their agents; on all bankers and banks and all agents of bankers or banks; and on all insurance companies and their agents or employees; on all telegraph companies, their agents and operators; upon all brick-manufacturers, lumber merchants, owners or occupants of mills driven by water or steam power, and tanneries; upon every public scales; upon all commerce, manufactures, callings, arts, trades and professions exercised in the town, whether they be or be not mentioned in the present act, and all persons by whom they may be exercised or carried on in the town, either on their own account or as agents for others, and upon the premises in or upon which they are or may be exercised or carried on.

Tax upon
liberal pro-
fessions.

And every person in the said city, practising the profession of advocate, physician, or notary or land surveyor, or any other liberal profession, shall be assessed at a sum not exceeding three dollars annually.

Transient
traders re-
quired to take
out license.

20. The council shall also have power to make by-laws to compel every transient trader, selling by public auction or by private sale, every dealer in hay, grain, vegetables or produce, butcher or baker, residing outside of the town, who shall come to ply his art, trade or commerce in the town, to take out a license, and to exact for the granting of each such license a sum not exceeding twenty dollars, under a penalty of not more than twenty dollars, and in default of payment of the said penalty an imprisonment not exceeding thirty days; and such license, signed by the secretary-treasurer shall confer upon the holder thereof, the

right of plying his art, trade or commerce, during one year from the date of such license.

21. The council shall also have power to compel all persons, who shall come temporarily into the said town, to sell bankrupt or other stocks of goods, wares or merchandise, either at public auction or by private sale, to take out a license, not exceeding twenty-five dollars for the sale of the said goods so brought into the town and exposed for sale therein. Such licenses shall be payable on demand made therefor by the secretary-treasurer, and, if they are not paid, they may be collected by a warrant, addressed to a bailiff, issued under the hand and seal of the mayor, immediately after such default of payment, and the goods may be sold for the payment of such licenses by such bailiff or by any other bailiff, under the same rules and subject to the same responsibilities and penalties as a writ of execution *de bonis* from the Circuit Court. License required for sale of bankrupt stocks.

22. To restrain, regulate or prohibit the sale of any spirituous, alcoholic or intoxicating liquors within the limits of the town. Regulate sale &c. of spirituous liquors.

23. Every by-law shall be published in French by reading it aloud at the door of the Catholic church of the parish of St. Lin, in the district of Joliette, on the two Sundays following the day on which it is passed, and by posting up a copy in two of the most frequented places in the said town, during fifteen days after it has been passed, or such by-law shall be published by the council, by causing to be posted up in the places above mentioned, during fifteen days after it has been passed, a public notice in French, certified by the secretary-treasurer of the town, in which shall be stated the date and the object of such by-law, as well as the place where communication of the same may be had. Publication of by-laws.

24. On the first juridical day of the month of March in each year, the secretary-treasurer shall sell, by auction, at his office, the real estate upon which arrears of taxes are due. Sale of real estate for taxes.

25. Notice of such sale shall be given by an advertisement published twice during the preceding month of January in the "Quebec Official Gazette" and in a newspaper published in the district. Notice of such sale.

Such notice shall contain :

Contents thereof.

a. The name of the last owner or occupant, if he be known;

b. The description of the immoveables to be sold ;

c. The amount claimed for arrears of taxes ;

d. The place, day and hour at which the sale shall be made.

Proceedings at sale.

26. In default of immediate payment of the purchase money, the secretary-treasurer shall forthwith again put up the property for sale, or shall adjourn the sale to another date within the following eight days, by giving notice in a loud and intelligible voice to the persons present.

If no bid be made, the sale shall also be postponed in the same manner to another date, within the eight days following.

On payment of the purchase money, the secretary-treasurer shall set forth all the details of the sale in a certificate made out in duplicate, one of which shall be delivered to the purchaser.

Adjudication.

Whosoever then offers to pay the amount to be levied, including costs, for the smallest portion of the land, shall become the purchaser thereof, and such portion of the land shall be adjudged to him on the spot by the secretary-treasurer.

Effect of adjudication.

The purchaser is thereupon seized with the ownership of the property adjudged and may take possession thereof, subject to the right of redemption which may be exercised, as hereinafter provided ; but within two years from the sale the purchaser shall not remove the wood, buildings or constructions which may exist upon the property sold nor deteriorate it in any manner.

Redemption of land so sold.

27. The owner may, within the same delay of two years, redeem the immoveable sold, by paying to the secretary-treasurer the purchase money, together with the interest thereon, at the legal rate, each fraction of a year being counted as a whole year. The purchaser shall be repaid the cost of all necessary repairs and improvements which he has made upon the land redeemed, unless he removes the same, as well as the amount of the taxes paid and the cost of the municipal works done on account of such land, together with interest at the legal rate, each fraction of a year being counted as a whole year. This claim shall be privileged upon the lot in question and the purchaser can also retain the possession of the same until he is paid.

Deed of sale to purchaser if property be not redeemed.

28. If the right of redemption be not exercised within the two years, the secretary-treasurer shall deliver to the purchaser a deed of sale of the immoveable, which shall be registered by and at the cost of the purchaser.

29. The action to set aside a sale is prescribed by two years from the date of sale ; but such sale may be rescinded and set aside by consent of the council, of the owner and purchaser, within the same delay. Prescription of action to set aside sale.

30. The sale so effected is final ; it has the same effect and transfers the same rights as ordinary judicial sales. Effect of sale.

OF PUBLIC NOTICES.

31. The publication of a public notice shall be effected by posting up a copy of such notice in two different places in the town, determined, from time to time, by a resolution of the council and on the door of the Roman Catholic church of the parish of St. Lin, and by reading it out on the Sunday following the day on which it is made public, at the close of Divine Service in the morning at the door of the said church. Publication of public notices.

32. The omission of such reading shall not render the publication of the notice invalid, but it shall render the persons who should have given the notice, as well as those who undertook to do so, liable to a penalty of not less than two nor more than six dollars. Omission of reading not to render publication invalid.

33. Every public notice, given for any purpose whatsoever, shall be published at least seven clear days before that fixed for such purpose, except when otherwise specified. Such delay runs from the day on which the notice was posted up, as aforesaid. Notices how published.

34. The corporation of the town shall, jointly with that of the parish of St. Lin, be charged with the duty of keeping in suitable order and rebuilding when necessary, each paying one-half of the cost of the gross repairs and of reconstruction, the bridge now erected across the L'Achigan river, which shall be their joint property ; the town shall be charged with the cost of maintenance and small repairs ; and it shall be lawful for both corporations to appoint arbitrators to decide all difficulties between them which their respective obligations may give rise to. Bridge over L'Achigan river by whom to be kept, &c.

35. If the two corporations aforesaid should not agree as to the necessity of an arbitration, it shall be lawful for one of them to appoint an arbitrator and at the same time to require the corporation refusing to join in such arbitration, to appoint one on its behalf within eight days from the service upon it of a notice to that effect, together with a written document containing such appointment. Arbitration if corporations do not agree.

If the corporation so put in default, should neglect or refuse to act, the corporation in whose name the summons is made, or in its default the secretary-treasurer in its name may, after the expiration of the delay, present to the Superior Court for the district or the Circuit Court for the county, or in vacation to the prothonotary or clerk of the court, (as the case may be,) a petition duly served upon the interested party, in order to obtain the appointment of an arbitrator for the purpose aforesaid.

Proceedings by arbitrators &c.

36. All arbitrators appointed either by the judge or prothonotary or clerk or by the municipalities themselves shall proceed to render their award within ten clear days from the date of their appointment as aforesaid. For the purpose of summoning witnesses before them when necessary and of compelling them to attend, if need be, as well as obtaining the production of all documents or papers of which it is advisable, they should have communication, they shall have all the powers and authority of judges in similar cases; and they shall, before acting in the matter, take the oath before the prothonotary or a commissioner of the Superior Court; but in case the opinions might be divided, the order appointing them, given either by the judge, the prothonotary or clerk or the municipalities themselves, shall also appoint a third to decide and enable a majority of arbitrators to render an award.

Award where to be deposited.

37. The award of the two arbitrators or that of either of them with the third arbitrator shall be by them forthwith deposited in the office of a notary residing within the limits of the town, who shall keep such award as a minute and as being the legal depository thereof, for the purpose of delivering duly authenticated copies on demand to all parties interested therein.

Proviso if corporation neglect to comply with award.

38. If, after eight days from the service of the said award, upon the municipality in default, the latter should refuse or neglect to comply therewith it shall, in such case, be lawful for the other corporation to cause the things prescribed and the works ordered by the said award to be done, saving its recourse, before a court of competent jurisdiction, against the municipality refusing to act, for the share of the work which the latter was ordered to do at its own cost.

Services to be made by bailiff.

39. All services of notices, demands or papers whatsoever by one municipality upon the other shall be effected by a bailiff or other reasonable person, who shall make a return thereof under oath, if required; and such services

when made upon the mayor or secretary-treasurer of the municipality to whom they are addressed shall be valid and have full effect.

40. Sub-section four of section 39 of the Town Corporations General Clauses Act shall apply, except with respect to the qualification of the mayor, which shall be five hundred dollars only.

Application of certain sections of 40 Vic. c. 29, with certain amendments.

Section 154 of the same act shall apply, with this difference, that the security shall be for at least five hundred dollars.

Section 177 of the same act shall also apply, except that the valuation required shall be four hundred dollars only.

41. All proceedings, which are to be had before the Superior Court and the prothonotary, may be equally had before the Circuit Court of the county and the clerk thereof.

Proceedings before what court to be taken.

42. The French language shall be that used in all proceedings by the council and relating thereto, unless a resolution to the contrary be passed by the council.

French language to be used in council.

43. The presiding officer, appointed for the first election, shall in his notices specify the place, day and hour at which such election shall be held.

Duty of presiding officer at first election.

Amédée Archambault, Advocate, of St. Lin, in the district of Joliette, shall preside over the first general election of a mayor and councillors of the town of Laurentides.

44. This act shall not affect pending cases and shall come into force on the day of its sanction.

Pending cases not affected and coming into force of act.

CAP. LXXXII.

An Act to incorporate the Town of Hochelaga.

[Assented to 30th March, 1883.]

WHEREAS the rapid increase of the municipality of Preamble. the village of Hochelaga and that of its population, render necessary the incorporation of the village as a town, under the name of the : " Town of Hochelaga ; " 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 follows :