

Court, after the return of moneys levied by the Sheriff, save that in the cases of claims bearing interest, such interest shall be calculated up to the date of the deposit, instead of the date of the adjudication and sale, and the same delays shall apply, and the same notices be given as in ordinary cases in the Superior Court.

24. If, before the sale of any immoveable property by the secretary-treasurer, the same property be seized by the sheriff, the secretary-treasurer, upon being notified in writing by the plaintiff in the suit, or his attorneys, of such seizure, shall complete his advertisements, but shall not proceed to sell the same, but shall file an opposition with the sheriff or prothonotary for the amount of the taxes, interest and costs, but if the sheriff's sale is delayed by opposition or otherwise, the corporation of the city of Sherbrooke, may then, after two weeks notice given as provided in section 13, proceed upon a day to be fixed by such notice to the sale of the said property.

Opposition by sec. treas. if the property be seized by the sheriff.
Proviso.

25. All arrears of municipal taxes or school taxes due to this city, are prescribed by four years, from the date on which they become due.

Prescription of taxes.

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

Act in force.

C A P . L X I .

An Act to incorporate the town of Chicoutimi.

[Assented to 31st October, 1879.]

WHEREAS from the increase of the population of the village of Chicoutimi and the erection of a roman catholic diocese therein, the seat whereof is at Chicoutimi, and whereas the provisions of the municipal code do not meet with the present requirements of its inhabitants, in carrying out the improvements that they intend to make; and whereas the council of the said village have, by petition and demand of its inhabitants, represented that it is necessary that more ample provisions be made in that behalf; and whereas it is desirable that the said village, after annexing thereto lot number seventy four of the first north east range of the township of Chicoutimi, be incorporated as a town under the name of: "The town of Chicoutimi:" Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

Incorporation.

Name.

1. From and after the passing of this act, the inhabitants of the village of Chicoutimi and their successors, shall be and are hereby declared to be a body politic and corporate under the name of: "The town of Chicoutimi," and separated from the county of Chicoutimi for all municipal purposes.

Boundaries.

2. The municipality of the town of Chicoutimi, shall comprise the present municipality of the village of Chicoutimi and moreover, the lot number seventy four of the first north east range of the township of Chicoutimi.

Administration.

3. The affairs of the town of Chicoutimi shall be managed, administered and regulated by the council thereof, which shall have, for that purpose, all rights and powers conferred, and be subject to the duties imposed upon it by an act of this legislature passed in the fortieth year of the Reign of Her Majesty under chapter twenty nine, intituled: "Town Corporations' General Clauses Act," and by the special provisions of the present act.

Present by-laws, continued.

4. All the *procès-verbaux*, by-laws, ordinances, rules and resolutions now in force in the municipality of the village of Chicoutimi, shall remain in force in the municipality of the town of Chicoutimi, until they shall have been repealed and annulled, and the said town of Chicoutimi, as constituted by this act, shall succeed and be substituted, for all purposes whatever, in the contracts, obligations, rights, duties and powers of the corporation of the village of Chicoutimi, and shall be held to the payment of its debts, bonds and debentures, and may collect and levy the taxes imposed and due in the said village municipality, in the same manner as if the said taxes had been imposed by the council of the town of Chicoutimi.

Present officers, to continue to act.

5. The secretary-treasurer, the assessors and other officers of the municipality of the village of Chicoutimi, in office, when the present act shall become law, shall continue to act in their several respective capacities in and for the town of Chicoutimi, until others shall have been appointed in their stead by the council of the said town.

Composition of municipal Council.

6. The municipal council of the said town, shall be composed of seven councillors, elected in the manner hereinafter prescribed, one of whom shall be mayor, and the said council shall be known and designated under the name of: "The council of the town of Chicoutimi."

Election of the mayor.

7. The mayor shall be elected by the majority of the members of the council, at the first general or special

meeting of the council, which shall be held after the annual general elections.

8. No person shall be capable of being elected a councillor of the said town, unless he be possessed, for at least six months, as proprietor, either in his own or in his wife's name, of real estate to the value of four hundred dollars.

Qualification
of council-
lors.

9. The mayor and councillors composing the council of the village of Chicoutimi, when the present act shall come into force, shall continue to act as mayor and councillors of the town of Chicoutimi, and shall compose the council thereof until others shall have been elected, according to the provisions of the present act.

Present
mayor and
councillors,
to continue
in office.

10. The members of the council who would have gone out of office at the general elections of the years one thousand eight hundred and eighty, one thousand eight hundred and eighty one and one thousand eight hundred and eighty two, if they had continued as councillors of the municipality of the village of Chicoutimi, shall go out of office at the same period and shall be re-elected or replaced, as if the present act did not exist, and the members elected at the above mentioned dates, shall remain in office during the term of three years, unless their seats become vacant; according to the provisions of the said act; but the previous provisions of this section shall only remain in force until the day which shall have been fixed by the by-law which may be passed under section two hundred and ninety seven of the said act.

Members
who have
gone out of
office.

11. The meeting of the electors shall be held at the place where the council shall hold its sittings or any other locality designated by the council, which latter place shall be set forth in the notice convening the electors in meeting for the purpose of electing the councillors.

Where meet-
ings of
electors shall
be held.

12 Whenever a vacancy shall occur in the office of mayor or councillor, the council shall proceed to the election of another in his stead, and such election shall take place at the first general meeting which shall take place after the vacancy shall have occurred, or at a special meeting called for that purpose, within thirty days after the occurring of such vacancy; and if the council does not proceed to the said election within such delay, the appointment of a person to fill such vacancy may be made by the Lieutenant Governor in council, at the request of the mayor or, in default thereof, on the request of two councillors.

Vacancies in
office of
mayor or
councillors.

Jurisdiction
of c. c. in
contested
elections.

13. The cognizance and decision of every contested election, shall appertain to the circuit court for the district of Chicoutimi; and if the election of a councillor be annulled, the court shall order that a new election be proceeded with, within the delay which it shall prescribe.

Interpreta-
tion of cer-
tain words.

14. Whenever the words: "a judge" or "the judge," or "a judge of the said court," occur in the said act, they shall mean the judge of the Superior Court, exercising his functions in the district of Chicoutimi;

2. Whenever the word: "prothonotary," occurs in any section whatever of the said act, and especially whenever it occurs in sections 104, 105, 427, 428, 431 and 433, it shall be replaced by the words: "The clerk of the circuit court of the district of Chicoutimi."

Idem.

15. Whenever the words: "Superior Court," occur in any section of the said act, and especially whenever they occur in sections two hundred, two hundred and fourteen, four hundred and twenty-six, four hundred and thirty-two and four hundred and thirty-three of the said act, they shall be replaced by the words: "The circuit court of the district of Chicoutimi"

Where meet-
ings of
councillors
shall be held.

16. The council of the said town shall hold its general or ordinary meetings, on the first Monday of each month, subject to the provisions of section 116 of the said act, and the place in which such meetings shall be held, shall be selected, from time to time, by a resolution of the council. The quorum of the council shall be five, including the presiding officer.

Assis ant-
treasurer.

17. No person shall be entitled to act as assistant secretary-treasurer unless his appointment shall have been ratified by a resolution of the council.

S. 177 of S. C.
G. C., act,
amended for
this act.

18. The words: "eight hundred dollars," which occur in section one hundred and seventy-seven of the said act, are replaced by the words: "four hundred dollars."

Drawing up
of special
notices.

19. Every special notice shall be drawn up in the language of the party to whom it shall be addressed, (provided such language be either French or English), and all public notices shall be drawn up in the French language.

Annulling of
voters list.
New list.

20. In annulling voters' lists, the court shall order the secretary-treasurer to prepare a new one within the delay which it shall prescribe.

21. Section 380 of the said act is amended by adding thereto the following words: "or in the absence of a district judge, on the order of the clerk of the circuit court of the district of Chicoutimi."

S. 380 S. C.
G. C. act,
amended.

22. The said town of Chicoutimi shall be and remain proprietor of lands reserved at the time of the division of the village of Chicoutimi, by order of the government, for streets or public places.

Properties of
the city.

23. Section 55 of the said act is amended by substituting for the word: "eight," in the first line thereof, the word: "fifteen."

S. 55 S. C. G.
C. act,
amended.

24. The council shall have the right to determine the duties of its road inspectors and of all its other road officers, and every such officer who shall refuse or neglect to fulfil his duties or to obey the orders of the council, shall incur a penalty not exceeding four dollars; but such road officer, shall not be obliged to prosecute in his said capacity, unless the town corporation guarantee him the costs of the action.

Duties of
road
inspector.

25. The council, in addition to the powers conferred by the said act, shall have the right to pass, amend, repeal or replace, in whole or in part, from time to time, by-laws on each of the following points:

Powers to
amend by-
laws
respecting:

a. To compel proprietors or occupants of houses and other buildings, to whitewash them with lime as often as it shall be deemed necessary for sanitary purposes;

Whitewash-
ing of
buildings;

b. To compel proprietors or occupants of houses and other buildings, to build thereon the necessary chimneys, in stone or brick, and to fix the height thereof above the roof;

Building of
chimneys;

c. To prohibit sliding in the roads, streets, lanes or on any public square in the town;

Sliding on
streets;

d. To prohibit and prevent all masquerades, and to prevent any person wearing a mask or other disguise from appearing in the streets and roads or in any public square in the said town;

Masquerades;

e. To impose and levy annually on any advocate, physician, notary, surveyor, civil engineer and any other professional person practising in the said town; on any district magistrate, sheriff, registrar, prothonotary, clerk of the circuit court, agent of crown lands and other public officers or functionaries appointed by the Provincial Government, having an office in the said town, and on any book-keeper, clerk, agent and other employee in the said town, whose office revenues, emoluments, fees or salaries amount to at least four hundred dollars per

Tax on
professional
men;

annum, an annual tax not exceeding four dollars; provided always that if two or more of the said public offices are vested in one and the same person, such offices shall be computed one office only; but the burden of the proof that such person is not subject to the tax, shall fall upon such person and he shall be subject to such tax, if his revenue for the previous year, derived from his profession or occupation, has been four hundred dollars or more; the affidavit of such person taken before a justice of the peace, shall, in every case, be a sufficient proof;

On mer-
chants;

f. To impose and levy on every merchant, trader and commercial firm carrying on any business whatever, in a store, warehouse or shop, within the limits of the said town, an annual tax not exceeding twenty one dollars, which tax shall be in proportion, as far as possible, to the value and extent of the business carried on by each; and, for that purpose, the council may divide the merchants and traders into three classes, and impose a different tax on each; the first class paying one third more than the second, and the latter one third more than the third class.

List prepared
for that
purpose by
sec. treas;

Whenever the council shall have passed a by-law under this section, it shall be the duty of the secretary-treasurer, to make a list of the merchants and traders who are liable to a tax under the said by-law, subdividing them into classes according to the by-law, which list shall be submitted for the approval of the council at a general or special meeting held in the month of April, after having given a public notice of the day on which the said list shall be so submitted for the approval of the council; and if any merchant or trader settles in the town during the course of the year, the secretary-treasurer shall inscribe his name on the said list in the class to which he belongs, reserving to the said merchant or trader, the right to appeal to the council if he finds that he is not entered in the class to which he belongs, and the council shall have the right to amend, revise and alter the said list according as it may deem equitable, but the decision of the said council shall be final, and such merchant or trader shall pay in proportion for the remainder of the year after the date of his settling in the said town:

Tax on
auctioneers,
&c;

g. To impose and levy yearly upon all auctioneers, bakers, butchers, hucksters, livery stable keepers, upon all contractors for buildings or other works, and upon all blacksmiths, wheelwrights, joiners, cabinet makers, carpenters, tanners, tinsmiths, tailors and shoemakers, and upon all other tradesmen and artisans working at and exercising their profession, art or trade, as head, chief, or master of an establishment within the limits of the said town, an annual tax not exceeding four dollars;

but the said chiefs or heads shall be divided into two classes, and the tax imposed on the first class, shall be at least double of that imposed on the second class, and of such tradesmen and artisans a list shall be prepared and ratified in conformity with the provisions of subsection *f* of the present section ;

h. To impose and levy annually upon all exchange brokers, exchange agents, bankers, banks, or bankers' or bank agents, upon all insurance companies or their agents, and upon all proprietors, owners and managers of theatres, circuses, billiard rooms, bowling alleys or other games or amusements of any nature whatsoever established and exercising their art, business or profession in the said town, an annual tax not exceeding twenty dollars ;

On exchange
brokers,
agents, &c ;

i. To levy by means of direct taxation, on all the taxable real estate of the said town, any sum of money necessary to meet the annual expenses of administration, or for any other purpose whatever within the limits of the attributes of the said town council, not exceeding two per cent per annum of the valuation of such taxable real estate ;

On rateable
real estate ;

j. To compel every proprietor or holder of land on each side of any road or street, to perform on such streets, all the works which the council shall order for the purpose of draining, raising, improving or rendering them more durable, and for that purpose, to cart and spread thereon sand or gravel in such quantities and to such a depth as the said council may order.

Improvement of roads.

26. The word : "appointed," used in section twenty-one of the said act, is also to be taken as meaning : "elected."

Meaning of
word :
"appointed."

27. Every petition under section one hundred, or section two hundred, or of section two hundred and fourteen, shall be presented to the court, at the first term which shall be held eight juridical days after service of the said petition, but if such term is not held within thirty days after service, the said petition may be filed in the clerk's office in the same manner as an action returnable in vacation.

Petition
under s.s. 100
200 and 214
T. C. G. C.
act.

28. Whenever the council of the said town shall have passed a by-law under section two hundred and ninety-seven of the said act, a general election of all the councillors shall be held within the time specified in section fifty two of the said act, and the said councillors shall remain in office for the term of two years, and for the further period which shall elapse until the election of

General
elections of
councillors.

their successors, and thereafter the members of the council shall be elected and replaced or re-elected every two years; and whenever the councillors shall be elected under the said section, the mayor shall also be elected for two years, and for the further period which shall elapse until his successor be elected.

S.S. of T.C.
G.C. act, not
to apply.

29. The following sections and provisions of the "Town Corporations' General Clauses Act," shall not apply to the town of Chicoutimi," to wit: sections seventeen, eighteen, fifty three, fifty four, fifty-nine, sixty-one, sixty four, sixty-nine, eighty, eighty-one, ninety-seven, one hundred and two, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, two hundred and ninety-six, and the fourth sub-section of the thirty ninth section.

Parish of
St. F. X. de
Chicoutimi
for religious
purposes.

30. The territory erected into a town by this act, and the inhabitants thereof, shall continue to form part of the parish of *St. Francois Xavier de Chicoutimi*, in the same manner as they now form part thereof, for all religious, *de fabrique* and parish purposes, as well as for the purposes of chapter eighteen of the Consolidated Statutes for Lower Canada, and of the acts amending the same.

Meaning of
w rds: "the
said act."

31. The words: "the said act," wherever they occur in the present act, mean: "the Town Corporations' General Clauses Act."

Act in force.

32. The present act shall come into force on the day of its sanction.

C A P. L X I I.

An act to amend the act 37 Vict., chap. 48, intituled:
"An act to incorporate the Town Salaberry of Valleyfield."

[Assented to 31st October, 1879.]

Preamble.

WHEREAS the corporation of the town Salaberry of Valleyfield have, by petition, represented that the act 37 Vict., chap. 48, intituled: "An act to incorporate the town Salaberry of Valleyfield," ought to be amended, and whereas it is expedient to grant the prayer of said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: