

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:

1. Section 2 of the said act of incorporation (37 Vict., chap. 48), is repealed and the following section is substituted therefor :

“ 2. The said town Salaberry of Valleyfield shall be comprised within the following boundaries, to wit : Starting at a point one hundred and eighty feet from the government boundary stone, on the south side of the Beauharnois canal, between the lands of the representative of the late Michel Beautron dit Major and of Antoine Viau, that is to say, between the number 135 on the official plan and in the book of reference of the parish of Ste. Cécile, and number 2 on the official plan and in the book of reference of the said town, running south westerly, to a point on Larocque road in the said parish of Ste Cécile, nine hundred and thirty nine feet from the boundary stone showing the old limit of the said town, on the said road, crossing the numbers 2, 3, 4, 5 and part of number 6 on the official plan and in the book of reference of the said town, and the numbers 142, 143, 144, 145, 146, and 147, 149, and 151 on the official plan and in the book of reference of the said parish, running from thence, in a straight line, to the south westerly boundary stone of the said town, crossing numbers 152, 153, 154, 155 156 and 157 on the official plan and in the book of reference of the said parish, thence, following the division line between numbers 158, 159 and 160 on the official plan and in the book of reference of the said parish, and numbers 530 and 536 on the official plan and in the book of reference of the said town, to the river St. Lawrence, thence, in a straight line, towards the north east, to a point of intersection between numbers 92 and 93 on the official plan and in the book of reference of the said parish and the public road, thence, along the said public road, across said number 92, continuing in a straight line with the said road, across numbers 91, 90 and 89 to the line of division between numbers 89 and 87 on the plan and in the book of reference of the said parish, thence, along the said division line, towards the south east, to the branch of the river St. Lawrence on the south side of Grande-Ile, thence, in a straight line, towards the south east, to a point of junction of the front road of the first concession of Catherinestown and the road on number 101 on the plan and in the book of reference of the said parish, along the north side of the said Beauharnois canal, thence, along the division line between said number 101 and numbers 115, 116 and 117 on the said plan, and from thence in a straight line to the point of departure.”

2. The said town shall be divided into three wards which shall be respectively known as the North ward, the East ward and the West ward :

North ward.

1. The North ward shall include all that portion of the said town situated and being to the north side of the Beauharnois Canal.

East ward.

2. The East ward shall include all that part of the said town situated and lying to the south side of the aforesaid canal, between the eastern line of the said town and the west line of numbers 86, 93, 92, 235, 234, 233, 232 and 231 on the official plan and in the book of reference of the said town Salaberry of Valleyfield, and continuing towards south east, on the division line between number 148 and the numbers 149 and 150 on the official plan and in the book of reference of the said parish of Ste. Cécile ;

West ward.

3. The West ward shall include all that part of the said town situated and lying on the south side of the said canal, between the west line of the East ward and the west boundary of the said town.

Proprietors and occupants not included in the city, included by present act.

3. All proprietors and occupants of property not included within the original limits of the said town and included within the boundaries established by the first section of this act, shall henceforth have and possess all municipal privileges of and be subject to all the obligations, duties and charges imposed upon proprietors and occupants originally included in the said town ; provided always, that for the current year, the value of the said properties shall be added to the valuation roll of the said town, according to the existing valuation roll for the parish of Ste. Cécile. All lands used for agricultural purposes within the limits of the said town, as established by this act, so long as they are so used, shall be valued as such, in all future valuation rolls of the said town. From and after the passing of this act, the properties included by section one in the said town, shall cease to form part of the parish of Ste. Cécile, or to be in any way, subject to the payment of any future taxes to the corporation of the parish of Ste. Cécile, and that portion of the town not included in the limits above mentioned, shall revert to and form part of the parish of Ste. Cécile.

S. 3 of said act, amended.

4. Section 3 of the said act of incorporation is amended by adding after the words : " fit persons, " in the fourth line thereof the words : " two for each ward, " and by adding to the said section the following paragraph :

Appointment of committees by town council.

" The town council shall, within one month from the coming into force of this act, declare and appoint by a resolution, such of the councillors of the said town for the time being, as shall represent each of the three wards of

the said town respectively; provided however that one of the councillors so chosen to represent each ward, shall be a councillor elected at the last election."

5. Sub-section 3 of section 4 of the said act of incorporation is amended by adding thereto the words: "and can read and write." § 3 of S. 4 of said act, amended.

2. Sub-section 4 of the said section 4 is amended by adding after the word: "employed," and before the word: "nor," in the ninth line thereof the following words: "nor keepers of taverns, hotels or houses of public entertainment; and by adding between the words: "town" and "provided," in the fifteenth line, the words: "or of holding office as such." § of said section, amended.

6. Section 5 of the said act of incorporation is repealed and the following section is substituted therefor: S. 5 of said act, repealed.

"5. The following persons shall be entitled to be entered upon the list of municipal electors, and only when so entered, shall have the right to vote at the municipal elections of the said town:" Persons entitled to be entered on voters' list.

1. Every male inhabitant of the age of twenty one years actually and *bonâ fide* possessor as proprietor in his own name, or in that of his wife, of real estate within the said town, of the value assessed of two hundred dollars or of the assessed yearly value of twenty dollars;

2. Tenants of real estate within the said town, for the use of which they pay a rent of not less than twenty dollars;

3. All persons who shall have paid taxes to the amount of five dollars upon their income or annual salary;

4. No person qualified to vote at any municipal election in the said town, shall have the right of having his vote registered, unless he shall have previously paid his municipal taxes then due, and it shall be lawful for any candidate at such election, or his representative, to require the production of the receipt that such taxes have been paid, or in default of such receipt, to require the oath of such voter that such taxes have been so paid;

5. No tenant qualified as a municipal elector, shall have the right of having his vote registered at any municipal election, unless he shall have been a resident and have paid rent in the said town, for at least six months next preceding the day of voting for such election."

7. Section 7 of the said act of incorporation is repealed and the following section is substituted therefor: S. 7 of said act, repealed.

"7. The general elections for the said town, shall take place every year, in the month of January, and in order General elections.

to obviate the holding of a poll for the election of either a mayor, or a councillor or councillors (as the case may be), for any ward of the said town, in case no division of opinion exists among the electors in respect to the person or to the persons intended to be elected mayor of the said town, or councillor or councillors for any ward thereof, there shall be a nomination day for all the candidates for the office of mayor of the said town, and of councillors for the several wards thereof; and none others than those nominated on such nomination day, as hereinafter provided, shall be eligible for any of the said offices, and such nomination day shall be the third thursday of January of each year, and if that day be a non-juridical day, then the next following juridical day shall be such nomination day.

Notice by
sec.-treas.

2. The secretary-treasurer of the said town shall, under a penalty of not more than one hundred dollars, give public notice announcing such election, and calling a general meeting of the electors of the said town, for the purposes of such nomination.

Formalities.

3. Such notice shall be in the French and English languages and shall be posted up at the doors of the Churches in the said town, at least eight days before such nomination day, and read at the door of the Catholic Church in the said town, after Divine Service on the morning of the Sunday preceding such nomination day; and it shall require the presence of the electors, and shall be signed by the secretary-treasurer of the said town.

Refusal of
sec.-treas.

4. In case of the refusal or neglect of the secretary-treasurer to give the said notice, the mayor, under a like penalty, shall give a notice of the election, which need only to be posted on the Church doors in the said town, and on the office of the secretary-treasurer of the said town, and on the door of the schools in the said town, forty eight hours previous to such nomination day.

Remission of
notice.

5. The omission of such public notice shall not prevent the meeting of the municipal electors from being held, nor prevent them from nominating the candidates for the different offices hereinbefore mentioned."

S.S. 8 and 16
of said act,
repealed and
certain
sections of T.
C. G. C. Act,
substituted
therefor and
to apply.

8. Sections 8 and 16 of the said act of incorporation are repealed and the following section together with sections 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94 and 95 of the Town Corporations' General Clauses Act, (40 Vict., chap. 29), are substituted therefor, and the said sections of the last mentioned act, shall therefore apply to the corporation and municipality of the town Salaberry of Valleyfield:

“8. Between the first and sixth days of the month of January of each year, the said town council shall, by resolution, appoint a president to preside at such nomination and election who shall be one of the councillors of the said town whose term of office shall not then expire.

Officers presiding at elections.

2. The secretary-treasurer shall be *ex-officio* election clerk to such president, and he shall, under the superintendance and guidance of such president, take down and keep minutes in writing of all the proceedings had at the meeting of electors on such nomination day, and shall generally aid and assist such president in the duties of his said office.

Election clerk.

3. Before entering upon their respective duties, such president and such election clerk, and also such deputy presiding officers as may be appointed, shall take the following oath before any justice of the peace residing in the said town, or the mayor thereof: “I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of presiding officer, election clerk or deputy presiding officer (as the case may be), at the municipal election about to be held for (mayor or councillors as the case may be), for the town Salaberry of Valleyfield: So help me God.”

Oath to be taken by them.

4. In case of such president being absent or unable to act, the election clerk shall discharge his duties and shall name another election clerk in his own stead.

Absence of president.

5. Should such councillor so named president, refuse or from any reason become unable to act, and the secretary-treasurer be also unable to act in his stead, the mayor may appoint a person to preside such nomination and election, who, after taking the oath hereinbefore prescribed, shall have the same powers as are vested in such president.”

Refusal of president to act.

9. The mayor shall be elected for one year only, but shall remain in office until his successor shall have entered in charge. The councillors elected at any of the general annual municipal elections held after the passing of this act, shall remain in office during two years, and afterwards until their successors has been elected. In case of a vacancy in the offices of mayor or councillor, the mayor or the councillor elected in replacement, shall remain in office only for the unexpired portion of the term of office of the person replaced.

Election of mayor.

10. Section 9 of the said act of incorporation is repealed and the following section is substituted therefor:

S. 9 of said act, repealed.

“9. The first general session of the said town council, after every general election of the said town, shall take place at the usual place of sittings of the said council, on

the first Monday following the said election, at seven o'clock of the evening ; and in case that the day be a non juridical day, then at the same hour of the next following juridical day, and at such first general session, the mayor and councillors thus elected, shall enter respectively into office, upon taking, at such meeting, before the mayor or a councillor of the said town, the following oath: "I. A. B. do solemnly swear faithfully to fulfill the duties of a member of the town council of the town Salaberry of Valleyfield to the best of my judgment and ability: so help me God."

Oath of
mayor and
councillors.

The members so elected at the said last general elections, who may be absent without just cause, shall be held to have refused the office, and shall be liable to the fine imposed in and by the said act of incorporation, unless they be persons exempt from serving.

Absence
without just
cause.

2. The newly elected members absent for reasonable cause, shall take the oath hereinbefore prescribed, in the same manner as hereinbefore set forth, at the first session of the council at which they shall be present before the mayor or a councillor.

Absence for
reasonable
cause.

3. Four members of the council shall constitute a quorum thereof."

§ 10 of said
act, amended.

11. Section 10 of the said act of incorporation is amended by inserting the word: "either," between the words: "shall" and "appoint," in the seventh line of the second paragraph, and by inserting between the words: "mentioned" and "provided," in the tenth line of the same paragraph, the following words: " or by resolution, order that the municipal electors do proceed to a new election to fill the vacancy of such mayor or councillor, in which case such election shall be conducted in the same manner as annual elections."

§§ 11 and 12
of said act,
repealed.

12. Sections 11 and 12 of said act of incorporation are hereby repealed.

Certain sec-
tions of T. C.
G. C. Act, to
apply and
replace S. S.
13 and 14 of
said act.

13. Sections 116, 117, 118, 119, 120, 124, 126 and 127 of the Town Corporations' General Clauses Act (40 Vict., chap. 29), shall apply to the corporation and municipality of the said town Salaberry of Valleyfield, and shall supplement sections 13 and 14 of the said act of incorporation.

§ 15, repealed
and S. S. 98 to
111 T. C. G. C.
Act to apply.

14. Section 15 of the said act of incorporation is repealed and the clauses from section 98 to 111 inclusively of the Town Corporations' General Clauses Act (40 Vict., chap. 29), are substituted therefor, and shall therefore apply to the corporation and municipality of the town Salaberry of Valleyfield."

15. Sections 128, 129, 130 and 131 of the Town Corporations' General Clauses Act (40 Vict., chap. 29), shall apply to the corporation and municipality of the town Salaberry of Valleyfield and shall supplement section 20 of the said act of incorporation. Certain S.S. of T. C. G. C. Act, to supplement § 30 of act of inc.

16. The first paragraph of section 21 of the said act of incorporation is repealed and the following substituted therefor: 1 of s. 21, repealed.

"1. The council, at its first general session held after the annual general municipal elections, in each year, shall appoint an officer as keeper of its office and archives for the ensuing year, who shall be styled the secretary-treasurer of the town Salaberry of Valleyfield." Keeper of archives.

17. Section 151 of the Town Corporations' General Clauses Act (40 Vict., chap. 29), shall apply to the corporation and municipality of the town Salaberry of Valleyfield. §. 151, T. C. G. C. Act, to apply.

18. Section 22 of the said act of incorporation is repealed and the following substituted therefor: §. 22 of act of inc., repealed.

"22. The said town council shall appoint every year, at its general session, in the month of May, or at a previous session, three valutors or assessors who must be able to read and write, whose duty it shall be to make, between the fifteenth day of May and the fifteenth day of July in the year they are so named, a valuation or assessment of the taxable real-estate in the said town, and to value and assess all taxable and rateable property, including stocks in trade within the said town, and make returns of all persons liable to pay any rate, duty, tax or impost for or by any reason or cause whatsoever, and to make a full and complete valuation or assessment roll, and therein they shall specify the names, surnames and occupation of all proprietors, tenants or occupants of real estate or owners of other taxable rateable property, and the rent or annual value of every tenement house, immoveable or part of an immoveable, occupied by any tenant; and also the annual salary amounting to or exceeding the sum of six hundred dollars per annum of all employees who are not proprietors of real-estate of the assessed value of two hundred dollars within the said town, and the annual salary or income of all government employees resident within the said town; they shall describe immoveable properties, according to the provisions of article 2168 of the civil code, and when they cannot ascertain the name of the owner of any-real estate, they shall enter the word: "unknown," in the column of the names; they shall further inscribe on the said roll, all other information Appointment of valutors their qualification and duties.

Sec.-treas.,
obliged to
assist
valuators.

required by the council. They may also, in the execution of their duties, demand the services of the secretary-treasurer who shall be bound to give the name, and they may appoint a clerk in case of illness or refusal on the part of such secretary-treasurer to act; and the said council shall grant to the said valuator or assessors, secretary-treasurer or clerk, such remuneration for their services as the said council may decide.

Information
to be given
by proprie-
tors, tenants
or occupants.

2. Every proprietor, tenant or occupant of taxable property, shall be bound to answer correctly the questions put to him by the said valuator or assessors on the subject, and to give all necessary and requisite information, and in case of his refusal to answer such questions or answering them falsely or incorrectly, he shall be liable to a penalty of not less than ten nor more than twenty dollars, or in default of payment, to an imprisonment of not less than fifteen days nor more than thirty days.

Oath of
valuators

3. They shall be bound, before proceeding to such valuation and assessment, to take the following oath before the mayor, or in his absence before a councillor of the said town: ' I , having been appointed one of the valuator or assessors of the town Salaberry of Valleyfield, do solemnly swear that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability: "So help me God."

SS 23, 24, 25,
repealed and
certain sec-
tions of T. C.
G. C. Act, to
apply.

19. Sections 23, 24 and 25 of the said act of incorporation, are repealed, and sections 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 340, 341, 342, 343, 344, 345, 346 and 347, of the Town Corporations' General Clauses Act (40 Vict., chap. 29), are substituted therefor, and shall apply to the corporation and municipality of the town Salaberry of Valleyfield.

Appeal from
decision of
council.

2. Within ten days from the final revision and homologation of the valuation or assessment roll, any person who has filed a complaint or whose valuation has been increased, and who deem himself aggrieved by the decision of the council, may appeal therefrom, to a judge of the Superior Court sitting in the district of Beauharnois; and such judge shall hear the parties and their witnesses, and the valuator if they wish to be heard. Such judge may confirm or alter the valuation complained of, as to him may seem meet, with or without costs to be taxed as of the lowest class in the Superior Court. The formalities required and the rules prescribed by the Town Corporations' General Clauses Act (40 Vict., chap. 29), with respect to the procedure for the annulment of by-laws, shall be followed in appeals, under this section, in so far as may be

applicable. All portions of the valuation or assessment roll not appealed from, shall not be affected by any appeal; and the secretary-treasurer, in making collection rolls, shall include the property with respect to which appeals have been brought, but he shall not exact the tax or rate thereupon, until after the decision of the judge, and when any alteration has been made by the judge, the secretary-treasurer shall correct the valuation or assessment roll and the collection rolls in accordance with the judgment.

20. Section 29 of the said act of incorporation is repealed, and section 33 of the Town Corporations' General Clauses Act (40 Vict., chap. 29,) is substituted therefor, and shall apply to the corporation and municipality of the town Salaberry of Valleyfield.

S. 29 of said act, repealed and S. 33 T. C. G. C. Act, to apply.

21. Section 30 of said act of incorporation is amended by adding after the words: "office of," in the first line thereof, the words: "mayor or."

S. 30, amended.

22. Section 33 of said act of incorporation is amended as follows:

S. 33, amended

1. By adding after the word: "annually," in the fourth line thereof the words: "by resolution," and by adding after the word: "on," in the first line of the 5th sub-section, the words: "every horse and on;"

2. By adding after the word: "agents," in the twentieth line of sub-section six, the words: "on all telegraph companies and the agents of all such, in the said town; on the yearly salary or income of all employees of the Federal or Provincial Governments, and performing their duties as such employees in the said town and residing therein; on the annual salary of persons engaged in another's service, or in the service or employ of a company, whether incorporated or not; on all ginger beer, ginger ale, lemonade and soda water manufacturers or their agents within the said town; and all persons acting as ferrymen to the said town or plying for hire for the conveyance of persons by water to the said town from any place not more than six miles distant from the same;"

And by adding to said section the following sub-sections: § 7, added.

"7. Any duty or tax imposed by any by-law under sub-section six of the present section, may in the case of any party subject to the same, and whose name does not appear on the valuation or assessment roll then in force, be levied, if not paid on demand, on all the goods and chattels found in the possession of such person within the said town, under a warrant of distress signed by the mayor or by two councillors.

§ 8.
added.

8. The said town council may, at any time, after the final revision of the valuation roll, cause the stock in trade or the goods of any merchant or trader beginning business afterwards in the said town, to be valued by the assessors or any two of them, and such stock for the unexpired portion of the then current year, shall be subject to the tax or rate mentioned in sub-section two, and such merchant or trader shall pay for the said year, a portion of the said tax or rate proportionate to the unexpired portion of the said year."

Widening of
streets.
Expropria-
tion for that
purpose.

23. It shall be lawful for the said town council by by law, to order that any street or streets within the said town, be thereafter gradually widened on any or both sides thereof to a specific width to be mentioned in the said by-law, and to thereby fix and determine the new line thereof, to order that the land required for such increased width, be acquired or expropriated from time to time, as the buildings or structures thereon are removed or destroyed, or when and as the said council may by such by-law, fix and determine, and to order that such improvement shall be made out of the funds of the said town, or that the costs thereof shall be assessed in whole or in part, upon the pieces or parcels of land belonging to parties interested in or benefitted by such improvement, and the corporation of the said town Salaberry of Valleyfield, shall have the right to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of said town, either by private agreement or amicable arrangement between it and the proprietor or other persons interested or by expropriating the same; provided however that nothing herein contained shall prevent the said town council from passing any by-law ordering the immediate widening or extending of any street or streets within the said town.

Notice
thereof to
proprietors
by sec.-treas.

24. Within eight days after the coming into force of any by-law passed under the provisions of the said act of incorporation or of this act, ordering the opening, extending or widening of any street or public square, the secretary-treasurer of the said town, shall give special notice to the then proprietor or proprietors of the land required for the improvement of the said street or public square, at his or their actual or last known domicile, of the passing of such by-law; and no damage or indemnity shall be allowed or granted for buildings or structures or improvements which the proprietors or any persons whomsoever, shall have caused to be erected or made upon any of the pieces of land required for such improvement after the service of such special notice.

25. Sections 386, 387, 388, 389, 390, 391, 392, 393, and 394 of the Town Corporations' General Clauses Act (40 Vict., chap. 29), shall apply to the corporation and municipality of the town Salaberry of Valleyfield. Certain sections of T. C. G. C. Act, to apply.

26. So soon as the report of the arbitrators shall have been made, it shall be the duty of the valuator or assessors of the said town, appointed for the then current year, in all cases where the council may have ordered that the costs of any works or improvements shall be borne in whole or in part by the proprietors or parties interested, benefitted or to be benefitted by the said works or improvements, to assess and apportion in such manner as to them may appear most reasonable and just, the price or compensation, indemnity, damages and costs of such expropriation or improvement in whole or in part, conformably to the resolution of said council, upon all and every the pieces or parcels of lands or real estate which have been benefitted by such improvement, and the said valuator or assessors shall have the exclusive power or privilege to determine what pieces or parcels of land have been benefitted, and to what relative or comparative amount, and the said valuator, assessors shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land, or real estate in view of said improvement. Apportionment of compensation for cost of improvement.

2. The said valuator or assessors shall make a special assessment roll of such assessment, and shall deposit the same with the secretary-treasurer, and the same shall be subject to all the rules and formalities as regards the ordinary valuation roll in so far as regards filing and making objections thereto, and the examination, revision and final homologation thereof, and appeal therefrom; and the special assessments therein mentioned, may be recovered by the corporation, in the same manner as any other tax or assessment. Special assessment roll made by valuator

3. In all cases where, for the purpose of opening any street, square, market-place or other public place, or for continuing, enlarging or otherwise improving the said street, squares, market-place or other public places or as a site for any public building to be erected by the said corporation, the said corporation shall deem it advantageous to purchase and acquire or take or enter upon more than the ground actually required for any of the said purposes, it shall be lawful for the said corporation so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes; provided nevertheless such extent do not exceed one hundred feet in depth by whatever length may exist. But Power to acquire land for opening of streets.

Objections by proprietors. should any proprietor of such land so proposed to be taken, object to the said corporation taking more than may be required for such improvement, he shall file his objection in writing in the office of the secretary-treasurer of the said town, two days before the day fixed by the arbitrators for their first sittings, in which case the corporation shall be only entitled to expropriate the piece or parcel of land required for such improvement.

S 36, 37, 38, repealed and certain sections of T. C. G. C. Act, to apply. **27.** Sections 36, 37 and 38 of said act of Incorporation is repealed, and sections 367, 368, 369, 370, 371, 373, 374, 375, 376, 377, 378, 379, 380, 381 and 382 of the Town Corporations' General Clauses Act (40 Vict., chap. 29), are substituted therefor, and shall apply to the corporation and municipality of the town Salaberry of Valleyfield.

S 40, repealed, and certain sections of T. C. G. C. Act, to apply. **28.** Section 40 of the said act of incorporation is repealed and sections 9, 196, 200, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221 and 222 of the Town Corporations' General Clauses Act, (40 Vict., chap. 29), are substituted therefor, and shall apply to the corporation and municipality of the town Salaberry of Valleyfield.

Formalities of notice of publication of by laws. **29.** The notice of publication of by-laws shall be given in French and English, under the signature of the secretary-treasurer of the said town, or of the assistant secretary-treasurer, and shall be read in a loud audible tone of voice, at the door of the Roman Catholic Church in the said town, immediately after Divine Service, on the Sunday next following the passing or the approval thereof, and shall be posted up at or near the said church's door and also on or near the door of the office of the secretary-treasurer of the said town, and in the English language only, upon or near the door of the Protestant Dissentient School in the said town.

2. If the by-law has been approved of by the municipal electors of the said town, the notice of publication shall also mention that such formality has been observed and the date upon which it was complied with.

S. 41 of act of inc., repealed. **30.** Section 41 of the said act of incorporation is repealed, and sections from 348 to 362 inclusively, and from 395 to 408 inclusively, of the Town Corporations' General Clauses act (40 Vict., chap. 29), shall apply to the corporation and municipality of the town Salaberry of Valleyfield, and are substituted therefor; but notwithstanding the provisions of the said sections from 356 to 362 inclusively, in order to enable the said corporation to provide for and pay off certain debts now due for the macadamising and

improving of the streets in the said town, it shall be lawful for the town council, at one time or from time to time, to contract loans, by by-law, to an amount not to exceed in the aggregate, five thousand dollars, and to issue debentures in accordance with any such by-law, without it being necessary to submit the same for the approval of the electors.

31. In all cases where any person assessed in respect of any real estate within the said town, shall not reside within the limits thereof, and in the case of residents when sufficient goods and chattels shall not be found to realize the taxes imposed upon any such person, in respect of any real estate belonging to such person, if such taxes remain unpaid for one year after the notice of the deposit of the collection roll, shall have been given, then and in such cases, it shall be lawful for the said council, on report made to that effect, by the secretary-treasurer, at the monthly session held in the month of December, to authorize the said secretary-treasurer, to sell by public auction, at the office of the town council, in the manner hereinafter prescribed, on the first monday of the month of March following, the real estate so indebted for municipal taxes.

Sale of property if taxes not paid.

32. The secretary-treasurer shall prepare a list containing a sufficient designation under article 2168 of the civil code, of such real estate, and he shall give, within fifteen days after such order, a public notice in the manner prescribed for the publication of by-laws, of the day, hour, and place where such sale shall take place, and such notice and the copies thereof posted up, shall be respectively accompanied with a copy of the list of the real estate to be so sold, with the amount of taxes and expenses due on each property respectively. And a like public notice, and the list which shall accompany it, shall be published twice in the French and English languages, in the Quebec Official Gazette, in the month of January before such sale.

List of properties to be sold, prepared by sec.-treas.

2. At the time appointed for the sale, the secretary-treasurer of the said council, or some other person for him, shall sell to the highest and last bidder therefor, the lands described in said list, upon which taxes are still due, after making known the amount to be levied on any such lands including the costs incurred for the sale.

Duties of sec.-treas. in case of sale.

Whoever shall then offer to pay the highest price, and shall be the last bidder, shall become the purchaser of the land thus sold, and the said land shall be at once, adjudged to him by the secretary treasurer or other person who shall sell such land. The purchaser of all

Last bidder : his rights and duties.

lands thus sold, shall pay the amount of the price immediately upon the adjudication thereof. In default of immediate payment, the secretary-treasurer shall either at once again, put up the land for sale, or shall postpone the sale for eight days, by giving notice of such postponement, to all persons present, in an audible and intelligible voice, and by publishing such notice, in two newspapers published in the nearest place or places, in the French and English languages.

If no bid is made.

If, at the time of the sale, no bid is made, or if all the lands advertised, cannot be sold on such first Monday in March, or following day, if such Monday be a legal holiday as aforesaid, then the sale shall be postponed for eight days, and notice thereof given in the manner hereinabove prescribed, but the purchaser may prevent the resale by paying into the hands of the secretary-treasurer, before the time fixed for the resale, the amount of the purchase money, and all additional costs incurred in consequence of the postponement of the sale.

Right of redemption.

3. All owners of real estate sold under the authority of the previous sections, or any one in their behalf, whether authorized or not, may redeem the same, but only in the name and for the benefit of the person who was proprietor thereof at the time it was adjudicated, within two years next after the date of such sale, on paying to the purchaser, the full amount of the purchase money, and any necessary outlay which may have been made on the said property, to keep it in the same state and condition in which it was at the time of the adjudication with legal interest.

Surplus of purchase money.

4. If after such sale any surplus shall remain over and above the sum due for assessments and costs on any property, such surplus shall be deposited by the said secretary-treasurer with the funds of the said town, and shall be subsequently handed over with interest, on demand after the redemptions, should the right of redemption be exercised, or if it should not be exercised, after expiration of the two years following the day of the sale, to the person to whom the said property so sold belonged, unless when the property is not redeemed, a claim or claims thereto have been filed in the office of the council, in which case such claim or claims, with a copy of the notice of sale and of the list of the real estate which was ordered to be sold, and a certificate from the secretary-treasurer, giving the description of the property to which the claims refer, the price, a statement of the amount due to the corporation and paid out of the price, and the surplus remaining on deposit, and the amount of the interest, shall, at the expiration of the said two years, be transmitted to the Superior Court; and the surplus and interest shall

be paid to whomsoever it may be ordered by a report of distribution made and homologated as in ordinary cases. Interest shall cease to run on the surplus, from the day on which the claims are transmitted to the court.

5. If within two years from the day of adjudication, the property adjudged has not been redeemed, the purchaser shall remain the irrevocable proprietor thereof; and upon payment of all municipal taxes that in the meantime, may have become due and payable thereon to said council, shall be entitled, at the expiration of the said two years from the corporation of the town Salaberry of Valleyfield to a deed of sale of such property.

Properties not redeemed within two years.

6. The said deed of sale shall be executed in the name of the corporation, and be signed by the mayor and secretary-treasurer of the said town, and the costs of such deed, together with the costs of the registration thereof, shall be paid by the purchaser, to said secretary-treasurer, previous to the execution and signing of such deed of sale. It shall be the duty of said secretary-treasurer, to cause the deed of sale to be duly registered according to law.

Sale executed in name of corporation.

7. The sale shall have the same effect as a sheriff's sale, and the purchaser shall become seized of the property in the lands so sold, and of the appurtenances thereof as proprietor, and shall be entitled to take immediate possession thereof.

Effect of sale.

33. In addition to the powers conferred by the said act of incorporation, the said town council shall also have the power to make, amend, repeal or substitute, in whole or in part, from time to time, by-laws upon any of the subjects mentioned in sections from 224 to 322 inclusively, of the Town Corporations' General Clauses Act (40 Vict., chap. 29,) which shall apply to the said corporation and municipality of the town Salaberry of Valleyfield, and section 385 of the said act, shall also apply to the said corporation and municipality of the town Salaberry of Valleyfield.

Power of council to amend by-laws upon certain subjects.

34. If any person shall transgress any by-law made by the said council, under the power and authority conferred upon it, such person shall, for every such offence, forfeit the sum specified in any such by-law, with costs in accordance with the tariff of fees established by law, and in default of immediate payment, the offender shall be liable to be committed to the common gaol of the district, for a term not exceeding thirty days, unless such by-law imposes a shorter term, in which case such terms shall not be exceeded; and no person shall be deemed an incompetent witness upon any information by reason of his being a resident of the said town.

Fine in case of infringement of by-laws.

Provided that every complaint for the breach of any by-law of said town council, shall be made within six months from the date of the commission of the offence.

S. 49 of act of inc., repealed.
Right of recovering fines.

35. Section 9 of the said act of incorporation is repealed and the following substituted therefor :

"49. All penalties imposed by any by-law of the said town council, shall be recovered in a summary manner, before a justice of the peace residing in the said town. In all cases where the party charged with the commission of any offence within the limits of the said town, over which such justice has summary jurisdiction by virtue of any by-law, has been arrested or is in custody, the substance of the charge shall be reduced to writing, and read to him, and he shall be asked by the said justice of the peace if he is guilty or not guilty of such charge. Should he plead guilty, such justice of the peace shall thereupon, convict such offender and inflict the penalty in such case made and provided with costs as above provided, and should such person so charged, plead not guilty, the said justice of the peace, shall proceed to hear and try such charge in a summary manner, and after hearing and trying of the same, shall either convict or discharge such person so charged before him, and in case of conviction, shall inflict the appropriate penalty with costs, without it being necessary to reduce to writing, any portion of the evidence given on such trial.

When accused is not in custody.

Where the party is not in custody, the provisions of the Statute of Canada 32 and 33 Vict., chap. 31, shall apply."

Institution of suits for infringement of by laws

36. All suits, complaints, informations and prosecutions for the contravention of any by-law of the said town council, or of any of the provisions of the said act of incorporation, or of this act, and for the recovery of any fine incurred by reason of any such contravention, may be brought, made, laid and continued in the name of the corporation ; and every officer or member of the said town council, shall be competent as a witness therein, and any such fine or penalty, shall belong to the corporation.

All penalties or fines incurred by the same person, may be included in the same complaint or information. And it shall not be necessary to designate or recite in any such complaint or information, the act or by-law under which such complaint or prosecution is brought, but it shall suffice to allege that it is in virtue of the act or by-law in such case made and provided.

Judgments of S.C., to be final

37. All judgments rendered by the Superior Court, and all decisions of any judge thereof under the provisions of the act of incorporation or of this act, shall be final

38. Sections 45 and 47 of said act of incorporation, are repealed. S. S. 45 and 47 of act of inc., repealed.

39. The original of every notice shall be accompanied by a certificate of publication or of service made by the party publishing or serving the same. Such certificate shall be under his oath of office, if such party be a municipal officer ; otherwise it must be under oath made before the mayor or a councillor of the said town. Formalities for original of notice.

The original of such notice and the certificate which accompanies it, shall be filed in the office of the council, by the person giving such notice, to form part of the municipal records.

40. Section 50 of said act of incorporation is repealed and the following substituted therefor : S. 50 of said act, repealed.

"50. All the powers conferred by the Town Corporations' General Clauses Act (40 Vict., chap. 29,) upon any town council and upon the mayor, councillors and officers of such town council, and not inconsistent with the act of incorporation and the present act, shall apply to the corporation and municipality of the town Salaberry of Valleyfield." Powers of T. C. G. C. Act, to apply to officers.

41. This act shall come into force on the day of its sanction. Act in force.

C A P. L X I I I .

An Act to amend the act to incorporate the Town of Nicolet

[Assented to 31st October, 1879.]

WHEREAS the mayor and council of the town of Nicolet, have by petition, prayed for certain amendments to its act of incorporation, passed in the 36th year of the reign of Her Majesty, Chap. 52, and it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows : Preamble.

1. The first section of the said act is amended by striking out the words : " the mayor and council of the town of Nicolet," and by substituting therefor the words : " the mayor and councillors of the town of Nicolet." S. 1 of 36 V. c. 52, amended.