

Approval of
by-laws.

10. Whenever any by-law shall be submitted to the approval of the electors, it shall be so submitted in conformity with, and as provided for in the said town corporations' general clauses act.

Qualification
required for
mayor.

11. In paragraph four of section 39 of the said town corporations' general clauses act, and in the third line thereof, the words "one thousand" shall be replaced by the words "four hundred."

Exceptions to
40 V., c. 29.

12. Sections 18, 50, 52, 57, 58, 63, 64, 70, 79, 80, and 88 of the said town corporations' general clauses act, shall be expressly excepted, and shall not form part of the laws governing the said corporation of the town of Farnham.

Act in force.

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

CAP. XLVIII.

An act to consolidate and amend the act to incorporate the town of Berthier and the act which amends the same.

[Assented to 28th December, 1876.]

Preamble

WHEREAS the act of the parliament of Canada, passed in the twenty-ninth year of the reign of Her Majesty, chapter 61, intituled: "An act to incorporate the village of Berthier as a town," and the act which amends the same, have become insufficient, and whereas it is expedient to enact new provisions relating to the corporation of the town of Berthier; and whereas a petition has been to that end presented and it is advisable to grant the prayer thereof; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Corporation
continued.

Name.

Seal.

Certain
powers.

1. The inhabitants of the town of Berthier, as hereinafter described, and their successors, have been and are a body politic and corporate under the name of "The mayor and council of the town of Berthier." They shall have a common seal, with power to alter and modify the same at pleasure, and shall be capable of giving or accepting any notes, bonds, obligations or other instruments or securities for the payment of any sum of money borrowed or loaned, and for the execution of any other duty, right or thing whatsoever.

2. The said town of Berthier shall be bounded in Boundaries. front by the river St. Lawrence; on one side to the north-east by the river Bayonne; to the north-west and in the rear by a small stream the confluence whereof with the river Bayonne is situated between the property of the representatives of Peter Ralston and the farm belonging to Joseph Deroin or his representatives, the rear line along the said stream from its said confluence with the river Bayonne, to a boundary near Church street, and thence in a straight line to another boundary situate to the south-west of St. Louis street, passing between the farm belonging to the Fabrique of the parish of Berthier, and the farm of Louis Marie Raphael Barbier or his representatives; thence from the south-west side of the line road towards the north-west, along the line which divides the said line road from the farm of the said Louis Marie Raphael Barbier, to the rear line of the lot of the Berthier Academy; thence towards the south-west along the said rear line of the lot of the said academy to the western angle of the said lot; thence from the said western angle along the south-west line of the said lot to the southern angle of the said lot; thence from the said southern angle in a straight line parallel to the said line road, until the said line strikes a road or street in front of the farm occupied by the said Louis Marie Raphael Barbier or his representatives; and thence in a straight line on a south course to a boundary placed on the farm of the heirs of Louis Généreux, at a distance of three arpents and one perch from the river St. Lawrence; and lastly, on the other side towards the south-west by a straight line drawn from the said cross, running parallel to the lateral lines of the said farm of the heirs Généreux, until the said line reaches the river St. Lawrence.

3. The town shall be divided into three wards: Wards, and their boundaries. the east ward, the centre ward and the west ward; the limits of the east ward shall be from the river Bayonne to a parallel line running through the centre of Joseph street, from the river St. Lawrence to the boundary line of the said town in the rear; the centre ward shall commence at the said line and shall extend upwards to the south-western side line of the land belonging to the congregation of St. James, at present occupied by the Reverend William Merrick; the west ward shall commence at the latter line and shall extend to the south-western boundary of the said town.

4. The councillors and officers of the said town at present in office, shall remain in office until the expiration of their terms, and shall be replaced in virtue of the provisions of the present act. The by-laws, orders, rolls Existing councillors, officers and municipal by-laws, to remain.

and municipal acts of the town of Berthier in force at the passing of this act, shall continue to be in force until they are annulled or repealed by the council of the town.

CONSTITUTION OF THE COUNCIL.

Composition of the council.

5. There shall be elected, from time to time, in the manner hereinafter provided, a fit person to be, and who shall be called "The mayor of the town of Berthier," and six fit persons, two for each ward of the said town, to be, and who shall be called "councillors of the town of Berthier," and such mayor and councillors for the time being shall form the council of the said town. The mayor shall, *ex-officio*, be a justice of the peace within the limits of the said town, during his tenure of office, without being obliged to take the oath pertaining to such office.

Mayor to be justice of the peace.

1st election.

6. At the next municipal election, which shall be held in January, eighteen hundred and seventy-seven, there shall be elected to replace those then retiring from office, three councillors and a mayor, one councillor by the electors in each ward.

Subsequent elections.

7. At each subsequent annual election, three councillors shall be elected, one for each ward, by the electors of such ward, to replace those retiring from office.

Quorum.

8. Four members of the council shall form the quorum.

Duration of office.

9. The councillors shall be elected for two years, and remain in office until their successors are appointed.

Retirement of councillors.

10. The system of voting for the retirement of councillors shall continue to be used.

LICENSES AND FERRIES.

Ferries.

11. The council of the said town shall grant licenses or permits for ferries between both banks of the river St. Lawrence, to land at or near the said town of Berthier, but this provision shall not affect in any manner the already existing rights of any municipality concerned in the granting of such licences.

Fees.

12. The sums collected for such permits or licenses for ferries, shall form part of the funds of the said town.

Control of ferries.

13. Such ferries shall be under the joint control of the councils of the said town and of the municipality with which they communicate. If such councils do not agree

upon the conditions, restrictions and rates of toll, then the lieutenant-governor shall enact regulations for that purpose.

IMPOSITION OF TAXES.

14. In order to raise the necessary funds to meet the expenses of the said council, and to provide for the necessary and advantageous public improvements of the said town, the said town council shall be authorized to levy annually on persons and on movable and immovable property in the said town, the taxes hereinafter designated, that is to say :

Taxes on
movable and
immovable
property.

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

2. On the following movable property, a sum not exceeding one half of a cent in the dollar, on the value hereinafter specified ;

Every stallion kept for covering mares shall be rated at four hundred dollars ;

Every horse kept for hire, at sixty dollars ;

Every horse above the age of three years and kept for domestic purposes, at forty dollars ;

Every bull, at fifty dollars ;

Every ram, at twenty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at one hundred dollars ;

Every open carriage, with four wheels, at fifty dollars ;

Every two-horse sleigh, at forty dollars ;

Provided always, that every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all horses, cattle, farm stock, and all implements used for agricultural purposes, shall be exempt from any municipal tax whatsoever ;

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on the shelves in shops or kept in cellars or store-houses, a tax of not exceeding one half per cent, on the estimated average value of such stocks in trade ;

4. On each tenant paying rent in the said town, an annual sum not exceeding three cents in the dollar on the amount of such rent ;

5. On each male inhabitant of the age of twenty-years, who shall have resided in the said town for six months, and not being a proprietor or tenant, apprentice, or a domestic servant, an annual sum of one dollar;

6. On every dog kept by persons residing in the said town, an annual sum not exceeding one dollar.

Taxes on inn-keepers.

Theatres, etc.

Auctioneers, etc.

Merchants, etc.

Wood-yards, etc.

Telegraph companies.

Manufacturers, etc.

Bailiffs.

Commerce, professions, etc.

Workmen divided into classes; rate of taxation.

Advocates, physicians, etc.

15. It shall be also lawful for the said town council to fix, by a by-law or by-laws, and to impose and levy annual taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on all retailers of spirituous, vinous and fermented liquors, or to impose a duty or tax on their respective electors' certificates, when approved by the council for the obtaining of their licence; on all proprietors, possessors, agents, managers and agents of theatres, circuses, billiard-rooms, bowling alleys or other games or amusements of any kind whatsoever; and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers and distillers; and on all merchants and manufacturers and their agents; and on all proprietors or keepers of wood-yards, or coal-yards and slaughter-houses, and on all money-changers or exchange brokers, pawn-brokers and their agents, on all bankers and banks and their agents, on all insurance companies and their agents, brokers or commission merchants or employees; on all telegraph companies and their agents or operators; on all manufacturers of ginger beer, spruce and root beer and the agents or agencies of each of them; on all brick manufacturers, timber merchants, proprietors or occupants of mills moved by steam or water power, and of tanneries; on all large scales; upon all bailiffs residing in the said town; and, on all commerce, manufactures, callings, arts, trades and professions exercised in the said town, whether the same be or be not mentioned in this act and on all persons by whom they may be exercised or put in operation within the said town, either on their own account or as agents for others, and on the places in or on which they are or may be made, exercised or put in operation.

The workmen of all mechanical arts and trades, exercised in the said town, shall be divided into first and second classes, by the persons appointed by the said town council to make the roll of movable property, and shall be taxed, for those of the first class, at a sum not exceeding two dollars, and those of the second class, at a sum not exceeding one dollar per annum; and every person in the said town, practising the profession of advocate, physi-

cian, land surveyor, or notary, or any other liberal profession, shall be assessed at a sum not exceeding three dollars annually.

16. The town council may name one or more persons to make a roll of the persons and movable property mentioned in the two preceding sections.

Roll of persons and movable property.

17. The council shall also have power to make by-laws to compel all insurance agents, travelling clerks, travelling traders selling by auction or private sale, traders in hay, grain, vegetables or produce, butchers or bakers residing outside the said town who enter therein to exercise their calling, trade or business, to take a license and to exact for the granting of such license, a sum not exceeding fifty dollars; and in default of taking such license, all such persons shall be liable to an imprisonment not exceeding two months; and such license signed by the secretary-treasurer, shall grant to the bearer of such license the right of exercising his calling, trade or business during one year from the date of such license.

Trade licenses.

18. The council shall also have power to compel all person who shall temporarily come into the said town to sell goods from bankrupt or other stocks, articles of commerce or effects, either by public auction or private sale, to take a license not exceeding fifty dollars for the sale of such merchandise so brought to and exposed for sale in the said town; such licenses shall be payable upon the demand which shall be made by the secretary-treasurer, and, if they are not paid, they may be collected by a warrant issued under the hand and seal of the mayor, immediately after said default, and addressed to a bailiff; and the said merchandise may be seized and sold for the payment of the said licenses, by such or any other bailiff, under the same rules, responsibilities and penalties as a writ of execution *de bonis* issued from the circuit court.

Idem to transient traders.

Recovery of payment.

19. The council may by by-law compel the members to attend the meetings of the council or of its committees, and to fulfil their duties; and to impose fines upon them for their negligence or omission in the performance of their duties.

Members of council.

20. Every by-law shall be published in the French language, by reading the same at the door of the Catholic church of the parish of Berthier; in the district of Richelieu, on two Sundays next after the passing of such by-law, and by posting up a copy thereof in two of the most public places in the said town, within fifteen days after the passing thereof; or such by-law shall be published by

Publication of by-laws.

said council causing to be posted at the places aforesaid, within fifteen days after the passing of such by-law, a public notice in French, certified by the secretary-treasurer of said town, in which mention shall be made of the date and object of such by-law, as well as of the place where the same may be examined.

Sale of properties subject to taxes.

21. On the first juridical day of March in each year, the secretary-treasurer shall sell, by auction in his office, the immovable properties on which there shall be due arrears of taxes ;

Notice.

2. Notice of such sale shall be given by advertisement published twice during the preceding month of January, in the Québec Official Gazette and in a newspaper of the district ;

3. Such notice shall contain :

- a. The name of the last proprietor or occupant, if known ;
- b. The description of the immovable to be sold ;
- c. Mention of the sum claimed for arrears of taxes ;
- d. Mention of the place, day and hour, at which the sale is to be effected ;

Folle enchère.

4. In default of immediate payment of the purchase price the secretary-treasurer shall immediately put the property up again for sale, or adjourn the sale to any other day within eight days by giving notice thereof in a loud and intelligible voice to the persons present ;

Adjournment.

5. If no bid is made, the sale is also adjourned in the same manner to another day within the eight days ;

Certificate.

6. Upon payment of the price the secretary-treasurer shall certify the particulars of the sale in a certificate in duplicate, of which one is given to the purchaser ;

Adjudication.

7. Whosoever then offers to pay the amount to be levied including the costs for the smallest portion of such property shall become the purchaser, and such portion of the property shall be adjudged to him immediately by the secretary-treasurer ;

Rights of the purchaser.

8. The purchaser is then seized of the property adjudged and may take possession thereof, subject to the redemption that may be made as hereinafter prescribed, but during the two years next after the sale, the purchaser cannot carry off any timber, buildings or constructions on the land adjudged to him, nor deteriorate it in any manner.

Redemption.

9. The proprietor may within the like delay of two years, redeem the immovable sold, by paying to the secretary-treasurer the price for which it was sold, with interest at the rate of ten per centum per annum ; every fraction of a year being counted as a full year. The purchaser shall be reimbursed for the costs of all useful repairs and improvements that he has made on the land redeemed, unless he remove them, as well as the amount of the

Reimbursement.

taxes paid and the cost of the municipal work performed for such land, with interest at the rate of ten per cent. per annum, every fraction of a year being counted as a year. Such claim is privileged upon the property and the purchaser may retain it until fully paid;

10. If the redemption is not effected within the two years, the secretary-treasurer shall give to the purchaser a deed of sale of the immovable, which is enregistered at the diligence and expense of the purchaser;

Absolute deed of sale.

11. The action to annul the sale is prescribed and extinguished by two years, counting from the adjudication; but such sale may be resiliated and annulled by consent of the council, the proprietor and the purchaser within the same delay;

Action to annul. Prescription.

12. The sale thus effected is final, and has the same effect and transfers the same rights as ordinary judicial sales.

Effect of sale.

22. The rank and duration of the privilege upon movables or immovables, for the payment of taxes, are regulated by the civil code.

Privilege of taxes.

23. Every proprietor or agent, who shall give a lease or a certificate or receipt, setting forth a sum less than the rent really paid for the premises therein mentioned or referred to, and every tenant, who shall present to the assessors of the said town such lease, receipt or certificate, falsely representing the value of the rent, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, to a penalty not exceeding twenty dollars, or to imprisonment not exceeding one calendar month.

Penalty.

24. The provisions of the town corporations' general clauses act passed during the present session, shall apply to the corporation of "The mayor and council of the town of Berthier," and shall form part of this special act relating to the town of Berthier, so as to be considered as forming with it one and the same act, except such provisions as are expressly modified and excepted by this act.

General application of 40 V., c. 29. (T. corp gen. cl. act.)

25. Sections 33, 239, 283 and 384 of the town corporations' general clauses act are expressly excepted and shall not form part of the present special act.

Exceptions.

26. The words "superior court" in the town corporations' general clauses act are replaced by the words "circuit court in and for the county of Berthier," and the word "prothonotary" by the words "clerk of the circuit court in and for the county of Berthier."

Idem.

PUBLIC NOTICE.

27. The publication of a public notice shall be made by posting a copy of such notice at two different places in the said town, from time to time determined on by resolution of the council, and at the door of the Roman Catholic church of the parish of Berthier, and by reading the same on the Sunday after it has been made public, at the close of divine service in the morning, at the door of the said church.

28. The omission to read such notice does not invalidate the publication thereof; but the persons who were bound, as also those who undertook to read it, shall thereby incur a penalty of not less than two, nor more than six dollars.

29. Every public notice given for any object whatever, shall be published at least seven entire days before the day fixed for such object, except in cases otherwise provided; such delay counts from the day in which such notice shall have been posted as aforesaid.

30. The acts 29 Vict., chap. 61, and 35 Vict., chap. 35, and all other acts or portions of acts containing provisions contrary to or inconsistent with the provisions of this act, are repealed.

31. This act shall come into force on the day of the sanction thereof.

C A P . X L I X .

An act to incorporate the town of St. Henri.

[Assented to 28th December, 1876.]

Preamble. WHEREAS the provisions of the municipal code do not meet the present wants of the corporation of the town of St. Henri, and whereas it has become necessary to make more ample provisions for the internal management of the said town; and whereas application to that effect has been duly made; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

CORPORATION.

1. The inhabitants of the said town of St. Henri, and their successors, inhabitants of the same, are and shall