

CAP. XLVII.

An act to amend the act twenty-seventh Victoria, chapter twenty-three, entitled: "An act to incorporate the town of Joliette."

[Assented to 24th December, 1875.]

Preamble.

WHEREAS the "mayor and corporation of the town of Joliette" have by their petition represented that the act twenty-seventh Victoria, chapter twenty-three, intituled: "An act to incorporate the town of Joliette," should be amended; and whereas 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:

27 V., c. 23, s. 1, amended.

1. The first section of the said act is amended by striking out the words "mayor and" at the end of the fourth and beginning of the fifth line.

S. 3 amended.

2. The third section of the said act is amended by striking out in the first line the words "from time to time," and substituting therefor the words "in the month of January in each year," and by adding further to the said section, the following sub-sections:

Election of councillors.

"Of the seven councillors to be elected in the month of January next, two shall be replaced in the month of January, 1877, two shall be replaced in the month of January, 1878, the three others shall also be replaced in the month of January, 1879, and so on in January in every subsequent year, so that two councillors shall be elected two years in succession, and three councillors every third year.

Selection by lot.

"The councillors to be replaced in the months of January, in the years 1877 and 1878, shall be chosen by lot, in the council during the sitting thereof, in the month of December preceding the month fixed for the said election; in default of so doing, the lots shall be drawn by the officer presiding at the election, in presence of the municipal electors at the opening of the election."

S. 4 amended.

3. The fourth section of the said act is amended by adding after the word "members," in the third line, the words "of the parliament of Canada and members."

S. 5 replaced.

4. The fifth section of the said act is repealed and the following substituted therefor:

Right to vote.

"The persons who shall have the right of voting at any municipal election and at all meetings of electors of the said town of Joliette, shall be those whose names have been regularly inscribed upon the list of parliamentary electors

in force at the time of the said election or meeting, and who ^{List.} have all the qualities required by the Quebec election act, to vote at an election of a member of the legislative assembly of this province; and the said list of parliamentary electors made for the said town of Joliette, shall be at the same time the list of municipal electors of the said town, to all lawful intents, provided always that no person qualified to vote at a municipal election in the said town shall have the right to have his vote recorded if he has not paid his municipal and school taxes due before such election, and this under a penalty of twenty dollars, and it shall be lawful for any candidate at such election to demand the production of the receipts establishing the payment of such taxes due as aforesaid."

5. Section seven of the said act is amended by striking ^{S. 7 amended.} out in the second line, the words "in the month of January every second," and substituting therefor the following "in the manner hereinabove established, on the second Wednesday in January in each."

6. Section eight of the said act is amended,

^{S. 8 amended;}

1. By striking out in the ninth line the words "seven councillors," and substituting therefor the words "the number of councillors who are to be elected;"

2. By striking out in the tenth line the word "seven;"

3. By striking out the fourth subsection thereof and substituting the following:

"Every councillor shall remain in office until replaced."

7. Section ten of the said act is amended by adding ^{S. 10 amended.} the following thereto: "provided also that it shall be lawful for the said council to accept the resignation of any councillor, when the reasons given in support thereof are found to be sufficient."

8. Section twenty-one of the said act is amended by ^{S. 21 amended.} striking out the last seven words and substituting therefor the following: "every year."

9. The twenty-third section of the said act is amended ^{S. 23 amended.} by striking out in the third line the word: "six," and ^{ed.} substituting therefor, the word "four."

10. Section twenty-four of the said act is amended: ^{S. 24 amended.}

1. By striking out in the sixteenth line the words "excessive valuation," and substituting therefor: "unjust valuation and one not proportionate to the valuation of other properties;"

2. By adding in the twenty-first line thereof after the words "presiding councillor," the following: "and also the assessors whenever the said council shall deem it necessary to call upon them;"

3. By striking out in the twenty-first line the words "or alter" and substituting therefor the words "increase or diminish ;"

4. By striking out in the twenty-fourth line the words "two years," and substituting the following therefor : "one year, and the roll shall remain in force until such time as another has been made."

S. 28 replaced **11.** Section twenty-eight is repealed and the following substituted therefor :

Mayor and
councillors
are justices of
the peace. "The mayor and councillors of the town shall, during their continuance in office, be justices of the peace for the said town, provided, always that they shall not be bound to take any other than the official oath of office, to act as such, any law to the contrary notwithstanding."

S. 30 amend- **12.** Section 30 of the said act is amended by striking ed. out in the eleventh and twelfth lines, the words : " the Lower Canada consolidated municipal act and its amendments," and by substituting therefor the following : " the municipal code of the province of Quebec and its amendments."

Ss. 26a, b, c, **13.** Section 33 of the said act is amended by adding d, e, added to thereto, immediately after sub-section twenty-six, the fol- s. 33. lowing provisions :

Water-works. "26a. To make by-laws for the protection and manage- ment of all water-works, public wells or reservoirs which may have been established, built under the provisions of the preceding sub-section, to prevent the public water from being dirtied or wasted, or in contravention of such by-laws, to restrain the use thereof, according as cir- cumstances may require, in the opinion of the said coun- cil ; to prohibit all persons from giving water to, or allowing the taking it by, whom the said corporation had taken away the same as hereinafter provided, and to impose a penalty upon any infraction of any of the said by-laws."

Special tax. "26b It shall be lawful for the said council, with a view of meeting the interest upon moneys expended for the establishment or construction of such water-works, pub- lic wells or reservoir, and to create a sinking fund, to im- pose upon all proprietors or occupants of any immoveable property in the said town, whether such proprietor or oc- cupant makes use of the said water or does not do so, an annual special tax not exceeding one-quarter of a cent on the dollar of the value, according to the valuation roll then in force, of such immoveable property, house, store or other similar building, and the land upon which it is built, which taxes shall be levied and collected under the same obligations and rules, and in the manner provided for the collection of the general taxes of the said town ,

Collection.

but such annual special taxes shall not be payable until the said council shall have given notice to such proprietor or occupant of such immoveable property, or to the proprietors of such stocks of goods, that it is ready at its own cost to bring the said water in or near such real property, store, house or other building ; it shall be lawful for the said council irrespective of, and in addition to, such annual special tax to provide for the payment by all persons making use of such water, of a compensation based upon such tariff or scale as shall be fixed by the said council ; provided always that the said town council shall have the power to compel the payment of such compensation by all proprietors, tenants or occupants, whether such water is used by them or not and this so soon as the said council shall have notified such proprietor, tenant or occupant that it is ready to bring at its own cost the said water to the house occupied by such proprietor, tenant or occupant and the proprietor of any habitation, house or store, with one or more tenants, sub-tenants or occupants, shall be liable for the payment of such compensation, if he refuses or neglects to give to each such tenant, sub-tenant or occupant a separate and distinct distributing pipe, and it shall further be lawful for the said council to enter into special arrangements with the parties interested, to furnish such water to any person whomsoever outside the limits of the said town, provided that they conform to the by-laws of the said town concerning the management of such water-works, public wells or reservoir, and also to supply the said water for the use of steam-engines, breweries, distilleries, tanneries, manufactories, mills, livery-stables, hotels or any other special cases.”

Notice.

Compensation.

Right of the council.

“ 26c. It shall be lawful for the said council to stop the supply of water, to any person refusing or neglecting to pay such annual special tax or the said compensation for the use of the said water, and of all persons wasting such water, or using the same contrary to the by-laws of the said town, or refusing to admit, as hereinafter provided, into his house or upon his property, the officers appointed by the said council for the administration and supervision of the said water-works, public wells or reservoir, and such person shall nevertheless continue to be responsible for the said arrears of taxes and obliged to pay the same, and shall be also obliged to pay all such annual special tax as aforesaid, which shall become due in the future, as if such person made use of the water ; and the said council shall not be responsible for the quantity of water to be supplied under the present section, and no person shall, on account of the insufficiency of the supply of the said water, refuse to pay such annual special tax, or such compensation for the use of the water as aforesaid.”

Power to stop the supply of water.

Quantity of water.

“ 26d. The said council may appoint such officers as they may deem necessary, for the management of such water-works.”

Officers for the management of the water works.

works, public wells or reservoir, and such officers shall have the right to enter into any house or building whatever, or upon any property in the said town, and outside of the said town, to ascertain that the public water is not lost, and whether the by-laws of the said council concerning such water-works, public wells or reservoir, are faithfully executed, from eight o'clock A. M., until six o'clock P. M., and it shall be the duty of all proprietors or occupants of any such house, building or property, to allow the said officers to visit such house, building or property as aforesaid, under the penalty of being deprived of the use of the water, during all such time that they do not permit or prevent such visit of such officers, and in addition under a penalty not exceeding twenty dollars, or imprisonment not exceeding one calendar month."

Admission,
of the officers
in the houses.

Power of the
council to
transfer its
rights.

"26e. And it shall be lawful for the said town council to transfer by by-law to that effect, its rights and powers hereinabove enumerated, with reference to the water supply of the said town, to any person or company desirous of undertaking the same, provided that such person or company shall not increase the rates to be levied by virtue of the provisions of this act, on persons obliged to receive the water, which rates the said town council shall establish by the said by-law."

S. 35 amend-
ed.

14. Section thirty-five of the said act is amended :

1. By adding in the fourth line of the second subsection after the words: "so in arrears" the following: "residing in the said town of Joliette ;"

2. By adding after the said second sub-section and as forming part thereof, the following :

Report of the
sec.-treas. as
to certain ar-
rears.

"As to persons residing outside the said town, the secretary-treasurer shall report to the council in writing the amount of taxes due by them, with the property affected by such taxes, and the said council may order any such persons to be sued in the ordinary manner before the circuit court of the district of Joliette, for the recovery of such taxes according to the procedure usually followed in the circuit court, but at the end of the eight days which follow the judgment, execution may issue ;"

Ss. 4, 5, and
6, inserted.

3. By striking out at the end of the third subsection, all the words after the word "manner," in the twelfth line thereof ;

Power of the
bailiff.

4. And by adding as sub-sections 4, 5 and 6, the following :

"4. The bailiff entrusted with the execution of such warrant shall be invested with all the powers conferred by article 965 of the municipal code ;"

Opposition.

"5. Within the three days which follow the seizure made under a warrant as above mentioned, any party interested may oppose the sale to be made under the said seizure ;"

Deposit in
such case and

"6. All oppositions to annul to be received, shall be accompanied by a deposit sufficient to cover the amount

claimed and the costs to be incurred by the council, in case proceedings. such opposition be not maintained; and no opposition to withdraw shall be received unless the opposant first pays, saving his lawful recourse, the amount due, together with the costs up to the date of the said opposition; the allegations of all such oppositions shall be attested on oath taken before a judge, or the clerk of the said circuit court; it shall be served upon the secretary-treasurer of the corporation and other parties interested, if there are any, and shall be returned without delay, before the said circuit court. Within the three days after the signification of any such opposition, the corporation and all other parties interested shall appear and declare, without it being necessary to compel them to do so, by a rule, whether or not they intend to contest the opposition produced; they shall file at the same time their contestation with reasons in support thereof, if any they have, after which one day's notice will suffice to inscribe the opposition so made for proof and hearing; and such oppositions, as well as the actions to be brought before the said court, in virtue of section thirty-five as amended by this act, shall be summarily heard and decided at any time and even between the tenth of july and the first of september, without it being necessary to wait for the regular term of the said court."

15. Section thirty-seven of the said act is repealed and the following substituted therefor : S. 37 of said act, amended.

"37. The secretary-treasurer shall, at the end of the three months next after the making of his collection roll, report in writing the persons still indebted to the corporation, with the amount due by each, the lands upon which such arrears are due, the date of any judgment rendered in the circuit court in suits or oppositions; and the reasons preventing the recovery of the said arrears. Report of the persons indebted.

"Upon such report the said council may order the sale of Sale of lands. all or any of the said lands, at a time to be fixed by the said council. The secretary-treasurer shall publish such sale in the official gazette of this province, and in another newspaper published in the said town of Joliette, or in the nearest place thereto, if no newspaper is published in the said town, by a notice specifying the day, hour and place of the sale, and in separate columns the name of each proprietor, the description of each land, and the amount due, and notifying all hypothecary or privileged creditors, to file their oppositions *afin de conserver*, in the event of its being necessary so to do, in his office, within the fifteen days next after such sale; such notice shall be published twice, the last publication shall be at least one month before the day of sale; and shall in addition be published in the said town of Joliette as prescribed by section seven of the said act of incorporation.

"On the day fixed, the sale of the said lands shall be made by the secretary-treasurer to the highest and last By whom made.

bidder for cash, and a title to the property in the said land, signed by the mayor and secretary-treasurer, shall by this latter be furnished to the purchaser (*adjudicataire*) within the fifteen days next after the said sale.

Adjournment
of the sale.

"If at the end of the sale there remain some lands unsold through there being no bidders, or because the purchase price shall not have been paid in cash by the *adjudicataire*, the secretary-treasurer shall adjourn the said sale to another day, within eight days, and shall recommence the sale of such lands on the day so fixed by him, and this for the same purposes and with the same authority.

Council may
bid upon.

"The town council may bid upon any land, through the mayor or any other councillor specially authorized to that purpose.

Proceeds of
the sale.

"The secretary-treasurer shall, out of the proceeds of the sale, retain the amount due for taxes and costs by each proprietor, or other person bound for the payment of the said taxes and costs, on account of the lands thus sold, and such sum shall be entered by him in his books, in discharge of the said taxes and costs, and shall form part of the funds of the said corporation; And in all cases, in which there is a surplus, immediately after the sale the secretary-treasurer is bound to procure from the registrar, a certificate of the hypothecs and privileges affecting the immoveable sold, and which have been registered, up to the day of sale; and he shall make a return of such sale to the superior court, in the district of Joliette, as soon as possible after the expiration of fifteen days from such sale, and he shall transmit to the said court at the same time the said certificate and such oppositions as may have been filed with him, and proceedings shall be had upon such return in the same manner as on the return made by a sheriff of any sale by him made; and the surplus shall remain in the hands of the secretary-treasurer, until a copy of the judgment of distribution shall have been transmitted to him, and he shall then pay over such surplus as ordered by the said judgment.

Effect of the
sale.

"The sale so made shall have all the effect of a forced sale and cannot be annulled except in the manner and for the reasons for which a sheriff's sale may be annulled."

Fees.

"A tariff of the fees payable to the secretary-treasurer shall be made by the council."

S. 45 amend-
ed.

16. Section forty-five of the said act is amended by adding thereto the following subsection:

Right to
borrow.

"Notwithstanding the provisions of the preceding subsection, the said town council may, however, contract a loan to the amount of forty thousand dollars, with a view of constructing waterworks, public wells or a reservoir for supplying the said town with water; but such loan can be contracted only after having obtained the approval of the majority proportionately to the value of the real estate

Approval.

of the electors of the said town to be taxed for such purpose, by a by-law authorizing such loan, within the thirty days after the passing thereof by the said council, such approval shall be expressed in a general meeting, presided over by the mayor, or in his absence by the pro-mayor, the secretary-treasurer acting as secretary, and duly called by advertisement signed by the mayor or the secretary-treasurer, published and posted in the manner provided by section seven of the said act; provided always that any six qualified municipal electors present at the said meeting may demand the holding of a poll to establish such majority, and on such demand the holding of such poll shall be granted by the mayor, or in his absence by the pro-mayor, and shall be held immediately after such demand, the secretary-treasurer acting as poll clerk, under the direction of the mayor or pro-mayor as the case may be; each elector shall present himself in his turn, and shall give his vote by "*yea*" or "*nay*" the word "*yea*" signifying that he approves of the said by-law, and the said word "*nay*" signifying that he disapproves of the said by-law, but the vote of no person shall be received unless he has all the qualities required for a municipal elector, provided always that such poll shall be held during two consecutive days, not being non-juridical days, from the hour of ten in the morning to the hour of four in the afternoon, and at the close of the poll, the mayor or pro-mayor, as the case may be, shall sum up the "*yeas*" and the "*nays*," and at the next following sitting of the said council he shall submit a statement showing the value of the immoveable property of each of the voters according to the rolls then in force, and shall certify for the information of the said council, if the majority in value of the real property of the electors of the said town approve or disapprove of the said by-law, and such certificate signed by the mayor or pro-mayor, as the case may be, and countersigned by the secretary-treasurer shall, by this latter, be kept with the poll-list and the said statement, among the archives of his office, and if the said by-law is approved as aforesaid, then the said town council may after having by resolution ratified the approval of the said by-law and having published it in the ordinary manner, effect the said loan.

17. This act shall form part of chapter 23 of 27th Vic-Interpre-
toria, 1863, intituled: "An act to incorporate the town of Joliette," and shall come into force immediately after it shall have been sanctioned.