

CAP. XLVIII.

An Act to amend the Act 22 Victoria, chap. 106,
incorporating the Town of St. John.

[Assented to 24th December, 1875.]

HER MAJESTY, by and with the advice and consent
of the Legislature of Quebec, enacts as follows :

S. 3 of 22 v.,
c.106, amend-
ed.

1. Section 3 of the act 22 Vict., chap 106, is amended by substituting the word "twelve" for the word "eight" in the fourth line.

S. 7 replaced.

2. Section 7 of the said act, is wholly repealed and replaced by the section following :

Municipal
elections.

"The municipal elections of the said town shall take place in the month of february of each year, and shall be announced at least eight days before the nomination of the candidates, by a notice published in a french journal and an english journal of the said town, and posted up on the church doors and on public squares in the said town. The nomination of candidates shall take place eight days before the voting.

If there are
only two can-
didates nomi-
nated.

"If at the time of the nomination of candidates for the election of february, 1877, there are only two candidates nominated for any one ward, the person presiding over the election shall at the meeting declare such two candidates elected for such ward, and if at the time of nomination at subsequent elections, only one candidate is nominated for such ward, the person presiding shall, at the meeting, declare such candidate elected for such ward. When at the nomination, more than the number of candidates hereinabove prescribed are nominated for any ward, the person presiding over the election shall grant a poll, and the voting shall take place eight days after the nomination, in the manner prescribed by the said act, 22 Vict., chap. 106."

If there are
more than
two.

§ 4 of s. 8,
replaced.

3. Subsection 4 of section 8 is repealed, and the following substituted therefor :

Time of the
office of the
mayor and
councillors.

"The mayor shall be elected for one year, until his successor replace him, and the councillors elected at any of the municipal elections shall remain in office for three years, except those who shall have been elected at the first election after the passing of this act, of whom four shall retire from office at the expiration of the second year ; and it shall be declared by lot in the manner established by the council, which of the councillors shall retire from office at the end of the said second year."

4. Subsection 5 of section 9 of the same act is amended, § 5, s. 9, by substituting the word "seven" for the word "five." amended.

5. Sub-section 2 of section 10 is repealed, and replaced § 2 s. 10, replaced. by the following :

"In case of the death, absence from the town or absolute incapacity from acting as such, of the mayor or any councillor, a new election shall be held to replace such mayor or councillor unable to act as such, and in case of the resignation of the mayor, the council shall have the right to judge, accept or regulate such resignation, for which reasons must be given; and such election to replace such mayor or councillor, who has become unable to fulfil his duties as such, shall take place within one month from the date of the inability of such mayor or councillor, except in the case of absence from the town, and in this latter case the election shall be held at the end of three months, instead of one month as aforesaid. And such election shall take place by the majority of the councillors, who shall appoint from among the inhabitants of the town, another person to replace such mayor or councillor, who is absent or has become unable to act as such, and such person may be chosen from among the members of the council, or from among the electors qualified and capable of being elected mayor or councillors, as the case may be." Vacancies.

5. The council shall, at its first general meeting and every three months during the year, choose among its members and elect a person to be pro-mayor for three months; and such pro-mayor, in the absence of the mayor, shall have the same powers and shall exercise the same municipal functions. Pro-mayor. His powers.

6. The twenty-second section of the same act is amended by repealing sub-sections 3, 4, 5 and 6, and substituting for them the following sub-section: §§ 3, 4, 5 and 6 of s. 22, replaced.

"The secretary-treasurer shall furnish security not exceeding one thousand dollars, for every five thousand dollars of the city revenue; such security may be represented by a guarantee policy of assurance." Security of the sec-treas.

7. The twenty-third section of the same act is amended by adding the words "or more" in the second line, after the word "three" and by adding the following words at the end of the said twenty-third section: "and it shall be the duty of the secretary-treasurer to notify the said assessors of their appointment within eight days after their appointment." §§ 3, 4, 5 and 6, of s 23, replaced. Duties of the sec.-treas.

8. The twenty-seventh section of the same act is amended by adding the following words: "It shall be the duty of the secretary-treasurer to notify the said S. 27, amended. Duties of the

sec.-treas. auditors of their appointment, within eight days next after their said appointment. And such auditors, within the thirty days next after their appointment, shall take the oath prescribed in the twenty-seventh section of the said act. And on the refusal by the persons named as auditors to act as such, they shall incur a penalty not exceeding twenty dollars for each refusal."

Auditors.

8. 34 amend- ed. **9.** The thirty-fourth section of the same act is amended by wholly repealing the second sub-section and by striking out the following words from sub-section seven, in the eleventh line thereof: "carters and livery stable keepers" and substituting therefor the following words: "and on all horses or vehicles of any kind kept for pleasure, use, work or hire."

Rates on certificates of licenses. **10.** The council shall have the power to establish the rates payable on certificates of licenses for taverns or houses of public entertainment at any sum not exceeding one hundred dollars, and any existing law contrary to the present provision shall not have effect within the limits of the town of St. Johns. This provision shall extend to permits granted to houses known as temperance houses.

Time for petitions, limited. **11.** No petition to obtain a certificate to keep a tavern or house of public entertainment shall be granted by the council, after the general meeting in the month of April.

Publication of the lists of demands. **12** Within the eight days which shall precede the meeting above mentioned, the secretary-treasurer shall publish in the two english and french newspapers of the said town, a list of the persons applying for certificates to keep a tavern or house of public entertainment, at the same time notifying the public to present and support their objections to the granting of such certificates to the applicants. The preceding provisions shall not apply to transfers of licenses.

§ 29 of s. 35, replaced. **13.** The thirty-fifth section of the same act is amended by striking out the whole twenty-ninth sub-section and substituting the following therefor: "The council may tax the proprietors of real estate to the amount of the sum or sums that may at any time be necessary to defray the expense of building or repairing any public drain, in any public street or highway in the town of St. John, immediately in front of such real estate respectively. The cost of the construction or repair of any public drain shall be borne, one-third by the corporation, and the other two-thirds by the rate-payers of the street in which such drain is constructed or repaired. In the case of the diameter of any public drain exceeding two feet,

Drainage, &c.

Taxes.

the cost of such excess shall be borne wholly by the corporation."

14. Any law to the contrary notwithstanding, the corporation of the town of St. John shall be entitled to take, buy or sell shares in regularly incorporated industrial or railroad companies; to borrow or to contract a debt to the extent of one hundred thousand dollars, for the following purposes: for the construction or repair of public drains, street improvements, the purchase of water works or public bridges, or for any other purposes which the council may deem necessary. Right to buy and borrow, limited.

15. No by-law passed in virtue of the preceding section shall have any force or effect until it shall have been approved by the majority in number and by the value of the assessed real property of the electors being proprietors in the said town, within the thirty days after the passing of such by-law. This approbation shall be expressed in a public meeting presided over by the mayor, or, in his absence, by the senior councillor of the said town, the secretary-treasurer acting as secretary, and duly called by notices signed by the mayor or by the secretary-treasurer, published and posted up in the manner prescribed for the publication and posting up of the public notice required by the provisions of this act, for the publication of by-laws; provided always, that six qualified municipal electors present at the said meeting, may demand a poll to establish such majority; and a poll shall be granted by the mayor, or, in his absence, by the presiding councillor, on being so demanded, and shall be held within four days next after such meeting, the secretary-treasurer acting as poll clerk under the direction of the mayor or of the presiding councillor, as the case may be. Each elector shall then present himself in turn and shall give his vote by "yea" or "nay"; the word "nay" signifying that he disapproves of the by-law; but no person's vote shall be received unless the name of such person be inscribed on the municipal voters' list then in force, if such list exists, and if there be no such list, no person shall be entitled to vote unless it appears, by the valuation roll then in force in the said town, that he is duly qualified to vote as municipal elector, and unless he has paid all his municipal taxes, at least three clear days before the day of such voting; provided always, that such poll shall be held during one day, being a juridical day, from ten o'clock in the morning until four o'clock in the afternoon. At the close of the poll, the mayor, or the presiding councillor, as the case may be, shall count the "yeas" and the "nays," and within four days thereafter, he shall lay before the town council, a statement showing the value of the real pro- Approval.

Poll.

Certificate. perty of each of the voters, according to the valuation roll then in force, and shall certify, for the information of the town council, whether the majority in number and value of assessed real property of the electors of the town approve or disapprove of the said by-law. This certificate shall be countersigned by the secretary-treasurer of the town, and preserved by him with the poll-list and the aforesaid statement among the archives of his office, and if the said by-law is approved of as aforesaid, the said by-law shall have full force and effect.

Limits. **16.** The east side of Longueuil street, from St. James street, and thence to its end towards the south, shall for the future be comprised within the limits of the east ward of the town of St. John.

Power to acquire bridges, &c. **17.** The corporation of the town of St. John shall have the power to acquire the bridges built in whole or in part within the said city, or which cross the Riche-lieu river in front of the said town.

Drains already constructed. Taxes. Proviso. **18.** The corporation shall be entitled to tax the owners of real estate, situate immediately opposite the drains already constructed in St. James, St. Charles and Champlain streets, in the said town, up to an amount not exceeding two-thirds of the cost of such drains, provided that the diameter thereof does not exceed two feet.

C A P . X L I X .

An Act to amend the Act of this Province, 38 Vict., cap. 79, entitled: "An act to incorporate the City of Hull."

[Assented to 24th December, 1875.]

Preamble.

WHEREAS "the mayor and the aldermen of the city of Hull" have by petition represented that the act of this province, 38 Vict., chap. 79, entitled: "An act to incorporate the City of Hull," should be amended, and whereas it is just to grant the demand contained in the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Interpretation of the act 38 V., c. 79.

1. In order to remove all doubt on the interpretation to be given to the said act, it is declared that the said corporation of the city of Hull is separated from the county of Ottawa for municipal purposes, save for the business commenced before the incorporation of the said