

which, in future, shall be sold in conformity with the other provisions of the said chapter twenty-four of the consolidated statutes of Lower Canada, shall be sold by auction and awarded to the highest and last bidder.

Surplus of price of property sold to be paid over to treasurer of the province.

18. If the amount for which such piece of land or emplacement was sold be greater than that due the said council of the city of Three Rivers, the secretary-treasurer of the said council shall place in the hands of the treasurer of the province of Quebec, the surplus of such price of sale, to be paid over to the person entitled thereto.

Certain moneys may be invested without letters of mortmain.

19. The ecclesiastical or civil corporations the property or part of property of which shall be ceded to the corporation of the said city of Three Rivers, or taken by it for purposes of public utility, may invest the price or compensation paid for such property or part of such property ceded or taken, in other real estate in any part of this province, and may hold and possess the same without a license of mortmain from Her Majesty, any law to the contrary notwithstanding.

Inconsistent enactments repealed.

20. All and every provisions of law in force, relating to the incorporation of the said city, inconsistent with the provisions of this act, shall be and they are hereby repealed from and after the passing of this act.

## CAP. LVIII.

An Act to amend the Act 23rd Victoria, chapter 75, respecting the Act of Incorporation of the Town of Sorel.

[Assented to 24th December, 1872.]

Preamble.

WHEREAS "the mayor and council of the town of Sorel," have, by petition, prayed for certain amendments to the act of incorporation of the said town, and that it is proper to grant the conclusions of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Power to issue debentures to consolidated water-works debt.

1. To consolidate the debt incurred for the construction and establishment of water-works, the corporation of the town of Sorel, by the name of "the mayor and council of the town of Sorel," may issue bonds for an amount not exceeding forty thousand dollars, payable to bearer or order, at the expiration of twenty years from the date

thereof, either in this province, or elsewhere, in current or sterling money, according as the town council may deem it most advantageous; the said bonds to bear interest at the rate of six per cent. per annum, payable half yearly, for the payment of which interest, at the place which the town council shall also indicate, coupons in sufficient number shall be annexed to the said bonds; which bonds shall be signed by the mayor and the secretary-treasurer, and sealed with the seal of the said corporation; provided always, that no such bond shall be issued Proviso. for an amount less than one hundred dollars or a value equivalent thereto, in sterling money of the United Kingdom, and that the place fixed for the payment of the interest and of the capital, shall be clearly specified in each bond.

2. The proceeds of the said bonds shall be applied to the payment of the debts contracted to erect and establish water-works, and for no other purpose, and the debt thus consolidated shall be, in capital and interest, secured by mortgage upon the general funds of the said corporation, and by a special and privileged hypothec upon the said water-works. Consolidated debt to be privileged.

3. It shall be lawful for the said town council, when and as soon as they are prepared to supply the said town, or any part thereof, with water, to establish a tariff of rates for water supplied or to be supplied in the said town, from the water-works, which said tariff of rates shall be payable at the times and in the manner prescribed by a by-law, by all proprietors, occupants or others who shall be supplied with water from the said water-works, and whom the said council shall afterwards supply with water from the said water-works; the said tariff of rates, for the supply of water from the said water-works, may be made payable by all such proprietors, occupants or others, as well by those who refuse as by those who consent, to receive into their houses, stores, shops, offices, places of business or other buildings, the water-pipe to supply the said water; but the said tariff of rates shall not be payable by the proprietors or occupants of any such house, store, shop, office, place of business or building, until after the said council shall have notified them that they are prepared and ready to supply such house, store, shop, office or place of business or building, with water; and if, from the time of such notification to the next period appointed for the payment of such tariff of rates, there shall be any broken period, then such tariff of rates shall be payable *pro rata* for such broken period, as if accruing day by day; provided that the expense of in- Power to make a tariff of water-rates. How rates shall be payable. By whom expenses shall be borne.

roducing the said water into the said houses, stores, shops, offices, places of business or other buildings, shall be borne by the said council, and the work performed by the same, but the distribution of the said water through the said houses, stores, shops, offices, places of business or other buildings, after having been introduced into them, shall be borne by such proprietors or occupiers if required by them, provided that in every case where such proprietor shall refuse or neglect to incur the expense required for the distribution of the said water, and that the said corporation shall exact the payment of the water rate imposed in and by the present section, from the tenant, then in every such case, such tenant may withhold from the said proprietor, out of the rents to be paid him for the property he occupies, the amount of water rate thus paid by such tenant, unless such tenant be bound towards the said proprietor, by his lease or otherwise, to incur the expenses required for the distribution of the said water.

Power to arrange for furnishing special supplies of water.

4. The said town council shall also have power to make special arrangements with the parties interested, to supply water for the use of steam engines, baths, breweries, distilleries, manufactories, livery-stables, hotels, and in all other special cases; and in all cases wherein the person receiving or having the right of receiving water from the said water works, shall neglect or refuse to pay the tax or assessment payable for the same, it shall be lawful for the said corporation to withhold the water from the buildings of the said person and to cease supplying him with water, but the said person shall nevertheless continue to be responsible for the payment of the said arrears, and be bound to pay the same, and likewise any tax or assessment which afterwards shall become due by virtue of the said by-law.

Power to withhold water supply for non-payment.

Recovery of taxes;

5. The taxes or assessments above mentioned shall be recovered and levied at the different periods which the town council shall appoint by a by-law, in each and every year in the manner prescribed by the act 23rd Victoria, chapter 75, for the recovery of taxes and assessments imposed by the town council, and the levying of such taxes shall be subject to the provisions hereinafter enacted.

Power to make by-laws to regulate, use, price, &c., of water supply.

6. It shall be lawful for the town council, and they are hereby authorized to make such by-laws as they may deem proper to prevent every tenant, proprietor, or occupier of a house supplied with water, by the said water works, from selling, or giving or allowing water to be taken or carried away, or from using it for the advantage of others, or for any other use or advantage than his own, or from increas-

ing the supply of water agreed upon with the said corporation, or wasting the said water by malice or negligence; for regulating the time, manner and nature of the supply of water which shall be obtained, and shall be furnished by the said water works, and determining the property and the individuals to be supplied with it; the price required for the water and every other matter concerning it, and which shall be regulated, prescribed or determined upon, to afford the inhabitants of the said town a regular and abundant supply of pure and wholesome water, and to prevent the said corporation from being defrauded with regard to the water which they shall thus supply.

7. Whoever shall voluntarily or maliciously prevent the said corporation, their agents, officers, workmen or assistants, or any of them, from making, erecting, repairing or completing any of the works necessary for the establishment of the said water works, or whoever shall embarrass or interrupt them in the execution of any of the said works, or break, pull down, carry away, or put out of order, destroy, damage any engine, reservoir, pipe, cock, or other works, materials, apparatus or things already made and prepared for the ends aforesaid, or shall cause voluntarily any other damage whatever, with the view of obstructing, preventing, stopping or embarrassing the construction, completion, maintenance or repair, of the said works, or shall cause the said damage to be done, shall incur and pay to the said corporation, for every such offence, the amount of the damages suffered in consequence, which the said corporation shall recover, with the costs of suit, by action of debt, before any competent court or tribunal in this province.

Right to recover damages done to water-works.

8. Whoever shall apply, or cause to be applied, any pipe or conduit to communicate with any pipe or conduit belonging to the said corporation, or, whoever will obtain or make use of the waters belonging to the said corporation, without their consent, shall incur and pay to the said corporation, the sum of one hundred dollars, with also another sum of four dollars, for each day during which such pipe shall be so applied; which said sums, with the costs of suit incurred in that respect, shall be recovered by the said corporation, by civil action before any court of justice in this province, having jurisdiction to that amount.

Penalty for surreptitious use of water.

Recovery thereof.

9. All proceedings, by-laws, contracts and undertakings adopted, signed and assumed by the council for the construction and establishment of the water-works shall be, and they are hereby rendered valid and ratified, with the

Certain by-laws, contracts, &c., confirmed.

same effect as if this act had entered into force on the first day of July last, but the said by-laws, contracts and undertakings, shall not affect the farms hereinafter mentioned, except in the manner hereinafter provided.

Punishment  
for infractions  
of by-laws.

**10.** Whoever shall transgress any by-law or regulation adopted by the town council, shall be liable to incur the fine or penalty imposed by any such by-law or regulation, for each and every infringement or contravention. The said fine not to exceed twenty dollars, nor to be less than one dollar, and the imprisonment not to exceed thirty days; the justice of the peace, who shall try the offence, should limit at his discretion, the amount of the fine or the period of the imprisonment, and even impose upon the offender, the two punishments at one and the same time, and the levying of the fine and costs of suit, by process of seizure and sale of the movables and effects of the offender may be ordered in the conviction, or omitted, according as it may be deemed expedient, the 41st section of the act 23rd Victoria, chapter 75, being thus amended, for that purpose.

Filling of va-  
cancies in  
office of mayor  
or councillor.

**11.** Whenever a member of the town council, either the mayor of the said town council or any of the councillors, shall voluntarily offer, in writing, his resignation of the said charge, it shall be lawful for the town council to accept the said resignation, if they think fit, and if any of the said offices become vacant, by resignation, offered and accepted as aforesaid, the said town council shall immediately, or under as brief a delay as possible, by a resolution to that end passed, name and appoint, from amongst the inhabitants of the said town, another mayor or other councillor, to replace the officer who shall have so resigned, and every person who shall have been so named to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed and no longer.

Right to grant  
ferry-licenses.

**12.** The right of granting licenses for ferrying (ferry licenses, *traverses*) from one side of the river St. Lawrence to the other, or over the river Richelieu, to arrive or leave within the limits of the town of Sorel, shall belong exclusively to the said corporation.

Regulating  
ferries and  
fixing tolls.

**13.** The town council shall grant the said licenses upon such conditions and under such obligations and restrictions as they may order by a by-law, and shall establish at the same time one or more tariffs of toll for crossing the said rivers as aforesaid.

**14.** The sums levied for ferry licenses as aforesaid shall form part of the funds of the said town, any provisions to the contrary notwithstanding.

Application of moneys received for such licenses.

**15.** The council shall be, and they are hereby authorized to pass such regulations as they may deem necessary for making the annual assessment rolls; to regulate the manner in which the said rolls shall be prepared as to the assessable persons and property to be therein included; to order the valuation of immovable property each year, notwithstanding the provisions of the 26th section of the act 23rd Victoria, chapter 75, enacting that the said valuation shall take place only every two years; to prescribe the duties of the assessors, fix their salaries to a sufficient amount, in one word, to regulate in the best manner possible the imposition of taxes and assessments, and the collection of the said taxes and assessments.

Assessment rolls,—valuation,—assessors and their salaries.

23 V., c. 75, s. 26.

**16.** All provisions of the act twenty-third Victoria, chapter seventy-five, contrary to the provisions of the present act are repealed or amended so that the provisions of the said present act may have their full and entire effect.

23 V., c. 75, not to affect this act.

**17.** The secretary-treasurer, in opening his collection roll for 1872, shall not charge the tax of six mills in the dollar imposed for the construction of the water-works, upon the proprietors of farms or other agricultural establishments, within the limits of the said town; the said tax shall not this year, or during any subsequent period for which it may be continued, be levied upon any such real estate beyond the limits following, that is to say: beyond the *rue royale*, to the north-east, beyond Victoria street to the south-east; but nevertheless any portions of the said farms, adjoining the said streets, or beyond, which are actually conceded in building lots shall be liable and subject to the said tax, provided the said corporation be prepared to supply water on such lots and not otherwise, and all other portions of the said farms which shall be hereafter conceded for building lots, shall become taxable, from the day in which they are conceded or sold, provided the said corporation be prepared to supply water on such lots of land and not otherwise.

Water tax not to be levied on certain property.

**18.** This act shall come into force on the day upon which it is assented to.

Commencement of this act.