

C H A P. 69

An Act to amend and consolidate the act incorporating the town of Fraserville

[Assented to 25th April, 1903.]

Preamble.

WHEREAS the corporation of the town of Fraserville has, by its petition, prayed for the consolidation and revision of its charter, the act 46 Victoria, chapter 80, as amended by the act 59 Victoria, chapter 53, and whereas it is expedient to grant the prayer of the said petition ;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

46 V., c. 80,
59 V., c. 53,
replaced.
Name of act.

1. The acts mentioned in the above preamble are replaced by the present act.

This act shall be cited as follows : “ Charter of the town of Fraserville, 1903.”

P A R T F I R S T

CORPORATION

Incorporation
of town.

2. The inhabitants and ratepayers of the town of Fraserville, as hereinafter bounded and described, shall be, and are hereby declared to be a body corporate and politic by the name of “ The Town of Fraserville.”

Name.

Corporate
powers.

Under that name they and their successors shall have perpetual succession, and shall have power to sue and be sued, in all actions causes and suits at law whatsoever. They shall have a common seal, with power to alter and modify the same at will, and shall be in law capable of receiving by donation, acquiring, holding and parting with and transferring any property, real or moveable, for the use of the said town, of becoming parties to any contracts or agreements connected with the administration of the affairs of the town, and they shall, moreover, have all the other collective rights which are necessary for the fulfilment of the duties imposed on them.

R. S., 4193,
replaced for
town.
Council of
town.

3. Article 4193 of the Revised Statutes is replaced, for the town, by the following :

The corporation of the town of Fraserville shall be represented by a council composed in the manner specially prescribed in the present act, and all the rights and powers

of the said corporation shall be exercised and the duties and obligations thereof shall be fulfilled by such council and its officers.

The said council shall be called : "The council of the town of Fraserville.

Name of council.

All acts, orders, by-laws and resolutions, now in force, shall remain in force until they are amended, annulled or repealed by the council of the town or by any other competent authority, and all promissory notes, debentures and obligations whatever consented to, contracted or issued by the corporation or in its favor, up to the coming into force of this act, shall have the same force and effect as if this act had not been passed.

Existing acts, &c., remain in force.

All *procès verbaux* for water-courses and streets, made before the first of January, eighteen hundred and eighty two, shall be considered as having been regularly made and shall be binding until they are amended, cancelled or repealed by the council under the provisions of this act.

Existing *procès verbaux* &c., remain in force.

4. Nothing contained in the present act shall be construed as dissolving the corporation of the town of Fraserville as now existing, and the present mayor and councillors, as well as the officers of the council, shall remain in office until they have been replaced under this act.

This act not to dissolve corporation, which with its officers still continues.

LIMITS OF THE TOWN

5. The town of Fraserville, situate in the county of Temiscouata, in the district of Kamouraska, in the Province of Quebec, shall be bounded as follows :

Boundaries of town.

To the north by the river St. Lawrence ;

To the south-west by the division line between the farm of Damase Caron and those of Olivier Ouellet, Andrew Meinke and Alexander Clark, in the first range of concessions of the parish of St. Patrick of Rivière du Loup ;

To the south, by the division line between the lots of the first and second ranges, starting from the farm of the said Damase Caron, running north-easterly to the farm known as *La petite ferme* ; thence towards the south by the north-east line of the farm of David Poitras, senior, for one hundred feet English measure, to the south of the lot occupied by the Intercolonial Railway ; from this point the line will extend towards the north-east as far as the north-eastern limit of the seigniorial domain of the Frasers, five thousand three hundred and seventy-six feet, English measure, to the south of the front line between the first and second ranges of the said domain ;

To the north-east, the town shall be bounded by the north-east line of the seigniorial domain, descending towards the

river as far as the farm of Pascal V. Taché; thence the line shall run north-easterly along the division line between the farms of the said Pascal V. Taché and the lots in the second range of St. Antoine village as far as the farm of Jean Baptiste Pelletier; thence, running towards the north, it shall follow the front line or division line between the lands of the said P. V. Taché, of the representatives of Thomas Jones, Ferdinand Chamberland, Jean Baptiste Pouliot, and his representatives, as far as the front line of the lots in the first range called *Anse au Persil*; thence in a south-westerly direction along the said front line, as far as the lot of Alpheus Jarvis; from which point it shall run in a northerly direction, between the lots of the said Alpheus Jarvis, Madame Joseph Levesque, and the heirs Hayward and Beaulieu, and those of Fabien Plourde, as far as the River St. Lawrence; the farm of Fabien Plourde being excepted therefrom.

The wharf belonging to the Federal Government shall be included within the limits of the town.

Division into wards.

6. The town of Fraserville shall be divided into three wards respectively called: North Ward, Centre Ward and South Ward, as bounded by the by-laws now in force.

Change in number and boundaries of wards.

It shall nevertheless be lawful for the council at any time to modify and change, by by-law, the number and boundaries of the said wards, and to add new ones, in such manner, however, that in all cases each ward shall be represented in the council by two councillors.

COUNCIL OF THE TOWN

R. S., 4194, replaced for town.
Mayor.

7. Article 4194 of the Revised Statutes is replaced, for the town, by the following:

Councillors.

There shall be elected every year, in the manner herein-after mentioned, a duly qualified person, who shall be called "the mayor of the town of Fraserville," and one councillor for each of the various wards of the town. The mayor and councillors so elected for the time being, with the councillors elected in the previous year, shall constitute the council mentioned in section 3, provided the number of such councillors shall never be less than six.

How councillors to retire.

And, in order to put an end to the anomaly at present existing owing to the fact that two councillors of the same ward go out of office at the same time, it is enacted that in such case the choice of the councillor who is to go out of office shall be determined by lot at the last sitting of the council previous to the election, in order that there may be only one councillor elected each year for each of the wards as aforesaid.

MAYOR AND COUNCILLORS

8. Article 4216 of the Revised Statutes is replaced, for the town, by the following :

No person shall be capable of being elected mayor or councillor of the town of Fraserville unless he can write and read manuscript, and unless he has been a resident householder within the said town during the year preceding such election, nor unless he be owner or possessor, or usufructuary, either in his own name or in that of his wife or minor children, of immovable property, within the said town, of the value of at least one thousand dollars for the office of mayor and four hundred hundred dollars for the office of councillor, according to the valuation roll then in force, and unless he has paid all municipal and school taxes then due, before being put in nomination.

R. S., 4216.
replaced for
town.
Qualification
of mayor and
councillors.

9. No person shall be capable of being elected for a ward, unless he reside in such ward.

Residence in
ward re-
quired if town
so divided.

10. No person shall be capable of being elected and of acting as mayor or councillor of the town unless he be a born or naturalized subject of His Majesty, of the male sex, and of the full age of twenty-one years.

Member of
council to be
a British sub-
ject, &c.

11. Articles 4213 and 4215 of the Revised Statutes are replaced, for the town, by the following :

R. S., 4213
and 4215, re-
placed for
town.

No persons being in holy orders, nor the ministers of any religious belief whatever, nor the members of the privy council, nor judges, sheriffs, clerks of any court of justice or their deputies, nor officers on full pay in His Majesty's army or navy, nor salaried civil functionaries, nor any person accountable for the revenues of the said town, nor its servants or employees receiving a monthly or annual salary, nor inn-keepers, hotel-keepers or persons being keepers of houses of public entertainment, being or having been such during the last twelve months, nor officers or persons presiding at the election of the mayor or the councillors, while so employed, nor persons who shall have been convicted of malfeasance or any criminal offence punishable by imprisonment for two years or more, nor persons having in person or through their partners any contract whatever or interest in any contract with or for the town, shall be capable of being elected mayor or councillor for the town ; provided always that no person shall become ineligible or become incapable of acting as mayor or councillor for the town, from the fact of his being a proprietor of or shareholder in any incorporated company, which may have a contract or agreement with the said town ;

Persons in-
capable of
being mayor
or councillor.

Proviso.

Application
of words
"contract,"
"judge,"
"clerks or
their
deputies."

The word "contract" in this section does not apply to leases, sales or purchases of land, nor to any loan of money, nor to any agreement relating to any such contracts; the words "judge," "clerks or their deputies," used in this section, shall not mean justices of the peace or commissioners for the summary trial of small causes or their clerks or deputies.

Disqualifica-
tion for office
of mayor and
councillors in
certain event.

12. Every person who, while filling the office of mayor or councillor of the town shall have made a judicial abandonment of his property or shall, under the law, governing abandonment of property, be declared to be in bankruptcy or shall become insolvent, or who shall cease to possess real estate to the amount necessary to qualify him, or who shall enter into holy orders or become a minister of any religious belief, or who shall be appointed a judge or a member of the executive council, either federal or provincial, or who shall become accountable for the revenues of the town, in whole or in part, or who shall become a servant or salaried officer of the town, shall *ipso facto* be disqualified, and his seat in the council shall become vacant, and such vacancy shall be filled in accordance with the provisions of the present act, relating to annual elections.

R. S., 4196,
replaced for
town.
Retiring from
office of
mayor and
councillors.

13. Article 4196 of the Revised Statutes is replaced, for the town, by the following :

The term of the office of mayor shall end at the opening of the first session of the council held after the annual general elections. The same rule shall apply to the councillors retiring from office at the time of such elections.

R. S., 4198,
replaced for
town.
Oath of office
of member of
council.

14. Article 4198 of the Revised Statutes is replaced, for the town, by the following :

Every member of the council, so soon as he is appointed, shall make oath well and faithfully to discharge the duties of his office.

Before whom
taken, &c.

The oath of office shall be taken before a justice of the peace, or before the mayor in office for the time being, or before the secretary-treasurer, and an entry thereof shall be made in the book of the proceedings of the council. A member of the council shall not enter upon the discharge of his duties, until he has taken the oath of office.

Oath re-
quired before
discharging
duties.

R. S., 4199,
replaced for
town.
Effect of
omission to
take oath.

15. Article 4199 of the Revised Statutes is replaced, for the town, by the following :

The omission during fifteen days on the part of any member of the council to take the oath required for the office to which he has been appointed, shall constitute a refusal to accept such office, and render him subject to the penalties prescribed in such case, unless he be exempt from serving.

16. Article 4212 of the Revised Statutes is replaced, for the town, by the following :

Whoever shall be capable of exercising any municipal office whatsoever and who shall not be exempt therefrom, shall be obliged to accept such office, if he be appointed, and to perform the duties thereof under the penalties hereinafter prescribed. Nevertheless, no one shall be obliged to accept or to continue to occupy the office of secretary-treasurer.

R. S., 4212,
replaced for
town.

Acceptance
of office
obligatory.

Exception.

17. Article 4202 of the Revised Statutes is replaced, for the town, by the following :

Any person, appointed to the office of mayor or of councillor, or to any other office, who illegally refuses to accept such office or to continue to perform the duties thereof, shall incur a penalty of one hundred dollars for the office of mayor and fifty dollars for the office of councillor, and twenty-five dollars for the other offices.

R. S., 4202,
replaced for
town.

Penalty on
person re-
fusing to ac-
cept office of
mayor or
councillor.

18. The council of the town of Fraserville may accept the resignation of the mayor or of a councillor, if the council be satisfied with the reasons given.

Council may
accept resig-
nation of
mayor or
councillor.

EXEMPTION FROM OFFICE

19. Article 4222 of the Revised Statutes is replaced, for the town, by the following :

The following persons shall not be obliged to accept the office of mayor or councillor of the town, nor any other municipal office : members of the provincial or federal legislatures, practising physicians, surgeons and apothecaries, school-masters actually engaged in teaching, persons over sixty years, gaolers and wardens of houses of detention, of houses of correction or reformatories ; persons employed in light-houses and on railways ; pilots, millers, advocates, surveyors, and notaries.

R. S., 4222,
replaced for
town.

Exemptions
from municip-
al office.

The persons who shall have filled any office under such council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in any office of the town during two years next after such service or payment.

Payment of
penalty, ex-
empts for a
certain time,
&c.

20. Article 4226 of the Revised Statutes is replaced, for the town, by the following :

Any person who shall be appointed to a municipal office from which he is exempt, and who desires to avail himself of such exemption, shall lodge in the office of the council, a special notice to that effect, within the fifteen days following the personal notification of his appointment, or upon the day when he shall become exempt from filling such office. In default of his so doing, he may no longer claim his exemption.

R. S., 4226,
replaced for
town.

Duty of per-
son who is
exempted, if
he be appoint-
ed, to notify
council.

Consequence
of failing to
give notice.

MUNICIPAL ELECTORS

R. S., 4227,
replaced for
town.
Qualification
of municipal
electors.

21. Article 4227 of the Revised Statutes is replaced, for the town, by the following :

Every person, who possesses, at the moment he exercises such rights and privileges, the following conditions, shall be a municipal elector, and as such shall have the right to vote at the election of mayor and councillors, and to exercise all the rights and privileges conferred on municipal electors by the provisions of this act :

1. He must have attained the age of majority, and be a British subject ;

2. He must have been in possession, in good faith, in the town, either in his own name or in the name and for the benefit of his wife or his minor children, as appears by the valuation roll in force, as proprietor of immoveable property of the actual value of at least two hundred dollars, or as tenant-farmer or lessee paying a rent of at least twenty dollars per annum, or as occupant, by any title whatsoever, of any land, house or portion of a house, or office, store or shop, of a total real value of two hundred dollars and of at least twenty dollars per annum ;

3. He must have paid, before six o'clock in the afternoon of the juridical day previous to the voting in each year, all the municipal and school taxes then due and owing ;

4. His name must be entered in the valuation roll in force in the municipality, either as proprietor, lessee or occupant.

Curators,&c.,
right to vote,
&c.

22. Curators, tutors, testamentary executors and trustees shall have the right to vote as municipal electors, without prejudice to their personal rights, on account of property owned in the town by those whose property they administer as such, provided the said property be entered on the valuation roll in force.

The vote of such curator, tutor, testamentary executor or trustee shall count numerically for one vote only, but shall count for the assessed amount of the property on the valuation roll in computing the votes given as respects value.

Every such person shall, on being thereunto required, supply documentary proof that he possesses the said qualification to vote, at the time of voting. In the event of there being more than one person authorized to act jointly with one or several others in any such quality the person amongst them who resides in the town shall alone have the right to vote. If such persons all vote in the same sense, their numerical vote shall count for one vote only. If they give a contrary vote neither the numerical vote nor the assessed value

of the property shall be taken into consideration in computing the votes.

The person who is seized of the said property shall, so long as he remains in office, alone have the right to vote, in opposition to any legatee or other person.

23. It shall be lawful for any candidate or his representative, during the voting, to require the production of the receipts from the secretary-treasurer of the town, establishing the payment of such assessments so due as aforesaid ; and, in any case where the said elector has lost his receipt, he shall then produce a certificate, which the secretary-treasurer shall give him, to enable him to vote, establishing the payment of such taxes, within the above mentioned delay, and in default of his producing such certificate, the said elector shall not be able to vote at such election.

Receipts for payment of taxes, &c., may be required of elector before voting.

24. Every elector, duly qualified to vote at the municipal elections of the town, may vote for the mayor and for as many councillors as there are to be elected in the ward or wards in which he is qualified.

Right to vote.

25. Article 4228 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4228, replaced for town.

Whosoever shall vote at any municipal election, or exercise any right or privilege by this act conferred on any municipal elector, without having at the time of voting or exercising such right or privilege, the qualities required as a municipal elector, shall incur a penalty of fifty dollars.

Penalty for voting when not qualified.

MEETING OF ELECTORS

26. Article 4229 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4229, replaced for town.

The general elections shall be held annually in the month of January, on the days hereinafter mentioned, and if such days be non-juridical days on the first juridical day following.

Annual general elections when to be held.

The nomination of candidates shall take place on the first Monday of January, at the hour of ten in the forenoon at the city-hall or public hall.

When and where nomination to take place.

When voting is necessary, it shall take place on the second Monday of January.

When voting shall take place.

27. The persons who shall be elected at the annual municipal elections as councillors for the town, shall in all cases be elected for two years.

Term of office of councillor.

Councillor eligible as mayor when in office.

Vacancy in office when so elected.

28. A councillor shall nevertheless be eligible as mayor throughout the duration of his office, and in such case his office shall become vacant, and the town council shall provide for the replacing of such councillor in accordance with the provisions of this act respecting municipal elections.

R. S., 4232, replaced for town.

Notice of election by whom and when given, &c.

29. Article 4232 of the Revised Statutes is replaced, for the town, by the following :

Seven days at least before each general election, public notice shall be given by the secretary-treasurer or by the mayor, announcing such election and calling upon the electors of the town to attend a general meeting for the nomination, at the place and date indicated. Such notice shall be read aloud and posted on the door of the Roman Catholic church or churches of the town, in the French language, at the close of divine service in the morning, on the first of January or the previous Sunday, and further two other notices at least, one in English and the other in French, shall be posted in other public places in the said town on or before the first of January.

R. S., 4235, replaced for town.

Appointment of president of election.

30. Article 4235 of the Revised Statutes is replaced, for the town, by the following :

The town council shall, at least eight days before the nomination, appoint one of its members, who does not go out of office, to preside at the election. The presiding officer shall be assisted in the performance of his duties in connection with the election by the secretary-treasurer who shall replace him when necessary or when no presiding officer is appointed by the council as aforesaid. The presiding officer may also appoint an election-clerk if necessary.

Election-clerk.

R. S., 4237, replaced for town.

Proceedings at election meeting.

31. Article 4237 of the Revised Statutes is replaced, for the town, by the following :

After having opened the meeting, the presiding officer shall receive and nominate all the persons whose names are presented to him in writing by at least five municipal electors. Such nomination may be handed to the presiding officer before the opening of the meeting. If the election be for a councillor in a ward, the nomination must be made by at least five electors of the ward.

R. S., 4240 and 4241, replaced for town.

Polling if more than one candidate for each office.

32. Articles 4240 and 4241 of the Revised Statutes are replaced, for the town, by the following :

If, one hour after the opening of the meeting, there have been and remain nominated, for the office of councillor, more persons than there are councillors to be elected for each

ward, and for the office of mayor more than one person, it shall be the duty of the officer presiding the election to order a poll to be held on the day and at the hour indicated in section 26.

33. The presiding officer and the clerk shall, before acting as such, take the following oath before a justice of the peace :

Oath to be taken by election officers.

“ I solemnly swear that I will faithfully and impartially and to the best of my judgment and ability, perform the duties of presiding officer (or election-clerk) which I am about to hold, of the person or persons who are to act as members of the council of the town of Fraserville. So help me God.”

Form of oath.

The oath shall be reduced to writing and the presiding officer shall annex it to his report of the election.

Oath to be annexed to report.

34. Article 4271 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4271, replaced for town.

The presiding officer shall, as such, possess the same powers as a justice of the peace, and may exercise them throughout the whole extent of the municipality, from eight o'clock in the morning of the day of the nomination, to the day following up to nine o'clock in the morning, if there be no poll to hold ; and if a poll be held he shall exercise such powers from nine o'clock in the morning of the day on which voting begins till nine o'clock in the morning of the day following the close of the elections.

Presiding officer is justice of the peace, &c., during election.

35. Article 4272 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4272, replaced for town.

To maintain peace and order the presiding officer may :

Power of presiding officer to maintain order, &c.

1. Swear in as many special constables as he may think proper ;

2. Require, by verbal or written order, the assistance of any justice of the peace, constable, or any other persons residing in the municipality ;

3. Commit, on view, to the custody of a constable or any other person, for forty-eight hours at least, any person breaking the peace, or disturbing order, or molesting any elector, or preventing any elector by threats, violence or otherwise, from freely giving his vote ;

4. Cause to be imprisoned, by a written order over his signature, such offender in the common gaol of the district of Kamouraska for a period not exceeding ten days.

36. In the event of the unavoidable absence or inability of the presiding officer to act as such, the secretary-treas-

Secretary-treasurer to

replace pre-
siding officer
if absent, &c.

urer shall replace him and have all the powers and be subject to all the duties conferred upon and required of the presiding officer by this act. In the event of the secretary-treasurer himself being prevented from acting the meeting shall elect a president.

R. S., 4242
and 4243, re-
placed for
town.

Duty of pre-
siding officer
when poll is
opened.

37. Articles 4242 and 4243 of the Revised Statutes are replaced, for the town, by the following :

At the time specified, the poll shall be opened by the presiding officer, who shall enter or cause to be entered in a book, to be kept in accordance with the conditions hereinafter prescribed, the votes of the electors, by entering therein the names and additions of each of them.

Poll when to
be held.

The poll shall be opened at nine o'clock in the morning and be closed at five o'clock in the afternoon of the same day. If one of the Mondays mentioned in the preceding sections should be a non-juridical day, everything which should be done on that day shall be done on the first following juridical day.

R. S., 4244,
replaced for
town.

What poll-
book is to
contain.

Poll-book to
be pagged.

38. Article 4244 of the Revised Statutes is replaced, for the town, by the following :

Each poll-book shall contain, at the top of as many distinct columns, the names and surnames of each candidate, nominated for the office of mayor and councillor. The pages of each-poll book shall be numbered in writing and initialed by the presiding officer.

For whom
voting is to
take place.

39. If however the mayor or the councillor of a ward have been proclaimed elected on the day of the nomination, votes shall be given only for the office in contestation.

R. S., 4246
and 4247, re-
placed for
town.

Voting when
town is
divided into
wards.

40. Articles 4246 and 4247 of the Revised Statutes are replaced, for the town, by the following :

Every elector shall vote only in the ward or wards in which he is qualified ; and, if any one only possesses, as proprietor in the municipality, immoveable property the value of which in the different wards does not give him a right to vote for each ward, he may, provided the aggregate value be sufficient to qualify him, vote for the election of mayor and also for the election of the councillor for the ward in which he resides, but not otherwise.

R. S., 4248,
replaced for
town.

Voter to vote
only once.

Penalty.

41. Article 4248 of the Revised Statutes is replaced, for the town, by the following :

No person shall vote more than once for the election of mayor and once for the election of a councillor of each ward in which he is qualified to vote, under a penalty of fifty

dollars or of imprisonment for two months in default of payment.

42. Article 4250 of the Revised Statutes is replaced, for the town, by the following : R. S., 4250, replaced for town.

The presiding officer may, of his own accord, or when thereunto required by a candidate or his representative, administer to any person tendering his vote the following oath : Presiding officer may swear elector.

“ You swear (or affirm, *when the same is permitted by law*) : Form of oath.

That you are twenty-one years of age and a subject of His Majesty ;

That you are the person whose name is entered on the valuation roll in force ;

That you are duly qualified to vote at this election ; and that you have not already voted at this election ;

That you have not received or been promised anything, either directly or indirectly, to vote at this election.

So help you God.”

43. Article 4251 of the Revised Statutes is replaced, for the town, by the following : R. S., 4251, replaced for town.

If an elector refuses to take the oath or to answer the questions put to him as aforesaid, his vote shall be refused, and he shall not thereafter be allowed to vote at the said election. If elector refuses to be sworn.

If an elector takes the required oath, or refuses to take the same, or if objection is made to his vote, mention of each of such facts shall be made in the poll-book, in the following terms : — “ sworn,” “ refused,” or “ objected to,” as the case may be. Entry in poll-book in certain cases.

44. If an elector admits, under oath or affirmation, that he has received any consideration whatever to induce him to give his vote in favor of any candidate, the presiding officer shall refuse the vote of such elector, and shall note such refusal in the poll-book. If elector admits bribery, vote to be refused.

45. Articles 4253 and 4254 of the Revised Statutes are replaced, for the town, by the following : R. S., 4253 and 4254, replaced for town.

At the close of the poll, the presiding officer shall count in the presence of two witnesses and certify under his signature, in the poll-book, the total number of names entered in such book, together with the total number of votes given to each of the candidates. Counting of votes at close of poll.

In the case of an equal division of votes in favor of two or more among the candidates, the presiding officer shall give his vote, even though he be not a municipal elector, under a penalty of not less than thirty or more than fifty dollars. Casting vote of presiding officer.

R. S., 4256
and 4257,
replaced for
town.
Declaration
by presiding
officer as to
person elect-
ed.

46. Articles 4256 and 4257 of the Revised Statutes are replaced, for the town, by the following :

The presiding officer, after having ascertained the total number of votes given for each candidate, shall declare elected mayor or councillors, respectively, the candidates who shall have received the greatest number of votes.

R. S., 4259,
replaced for
town.

47. Article 4259 of the Revised Statutes is replaced, for the town, by the following :

Presiding
officer to re-
main in hall
during poll-
ing day.

It shall be the duty of the officer presiding the election to remain in the hall in which the election is held during the whole time that the poll is being held.

R. S., 4260,
replaced for
town.

48. Article 4260 of the Revised Statutes is replaced, for the town, by the following :

Notice to
persons
elected.

Within three days next after the close of the election, the presiding officer, shall give to each of the candidates, elected mayor or councillor, a written notice of his election and of the day on which the first meeting of the council shall be held.

R. S., 4261,
replaced for
town.

49. Article 4261 of the Revised Statutes is replaced, for the town, by the following :

Report of
proceedings
by presiding
officer.

Within eight days next after the close of the election, the presiding officer shall draw up a faithful report of his proceedings, and shall forward it to the office of the council, together with the original notice to the candidates elected, the poll-books and other papers, which have been in his possession as presiding officer. These various documents shall be certified by him as correct and form part of the records of the council.

R. S., 4264,
replaced for
town.

50. Article 4264 of the Revised Statutes is replaced, for the town, by the following :

Continuation
of polling in
certain cases.

If, at five o'clock on the day the poll is opened, the votes of all the electors present and asking to vote have not been registered, the holding of the poll shall be adjourned until ten o'clock in the morning of the following day, if it be a juridical day, if not to the next following juridical day, in order to continue the registering of the votes, and on that day the poll shall be closed at four o'clock.

Closing poll
in certain
event.

51. If, any time after the votes have commenced to be polled, either on the first or on the second day of the said polling, one hour elapses without any vote being polled because no elector presents himself to vote, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected,

as councillors and mayor, such candidates as have obtained the majority of the votes ; provided that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which violence, notice shall have been given to the presiding officer. Proviso.

VACANCY IN THE OFFICE OF MAYOR OR COUNCILLOR

52. Article 4273 of the Revised Statutes is replaced, for the town, by the following : R. S., 4273,
replaced for
town.

There shall be a vacancy in the office of mayor or councillor, in each of the following cases : Vacancy in
office of
mayor or
councillor.

1. When a person has been appointed mayor or councillor who is exempt from serving as such, or when any person discharging either office becomes exempt during his occupancy thereof, and such person has, in either case, complied with section 20 ;

2. In the case of refusal to accept or to continue to perform such office ;

3. When the mayor's or councillor's domicile or place of business is no longer within the limits of the municipality ;

4. When the person discharging the office has made a judicial abandonment of his property or becomes insolvent ;

5. When the mayor or any councillor after his appointment has come under one of the disqualifications established by law, and has complied with article 4220 of the Revised Statutes ;

6. In the case of absence from the municipality, or of inability to act through sickness, infirmity or otherwise, during the period of two months consecutively ;

7. When the resignation of the mayor or of any councillor has been accepted by the council, or when the office has been declared vacant in virtue of article 4221 of the Revised Statutes ; or when the election has been annulled ;

8. In the case of death.

Notwithstanding any vacancy in the council, the members thereof remaining in office shall continue to exercise their powers and fulfil their duties as such. Powers of
other mem-
bers of council
in such case,

53. Article 4274 of the Revised Statutes is replaced, for the town, by the following : R. S., 4274,
replaced for
town.

When a vacancy occurs in the office of mayor or councillor it may be so declared by resolution of the council, and an election of a substitute shall be forthwith proceeded with on the days fixed by the council ; and such election shall be held in the manner prescribed for general elections. Election of
substitute
in case of
vacancy in
office of
mayor.

CONTESTATION OF ELECTIONS

R. S., 4275,
replaced
for town.
Contestation
of elections.

54. Article 4275 of the Revised Statutes is replaced, for the town, by the following :

Any election of a mayor or councillor may be contested by any candidate or by five municipal electors, on the ground of violence, corrupt practices, fraud, incapacity, or of the non-observance of the necessary formalities.

R. S., 4276
and 4277, re-
placed for
town.
Before what
court con-
testation
brought.
Petition
therefor and
contents
thereof.

55. Articles 4276 and 4277 of the Revised Statutes are replaced, for the town, by the following :

The examination and decision of such contestation shall be vested in the Superior Court of the district of Kamouraska, or in a judge of such court.

Such contestation shall be made by a petition, signed by the petitioners or by their attorney, in which shall be clearly set forth the facts and reasons alleged in support of the contestation.

Idem.

The petition may also indicate the persons who have a right to the office in question and state the facts necessary to establish such right.

R. S., 4278,
replaced for
town.
Service of
petition.

56. Article 4278 of the Revised Statutes is replaced, for the town, by the following :

A copy of the petition, with a notice stating the day on which it will be presented, shall be served upon every member of the council whose election is contested, within fifteen days from the date of the close of such election, before being produced in court, otherwise the right of contesting shall be forfeited.

R. S., 4279
and 4280, re-
placed for
town.
Delay within
which to pre-
sent petition.
Security for
costs to be
given.

57. Articles 4279 and 4280 of the Revised Statutes are replaced, for the town, by the following :

No such petition shall be presented or received after the expiration of the thirty days next following the close of the contested election, and the petitioners shall give security within the said delay for the costs, otherwise such petition shall not be received by the court or judge.

R. S., 4281,
replaced for
town.
How security
to be put in.

58. Article 4281 of the Revised Statutes is replaced, for the town, by the following :

The security required by the foregoing section shall be given before the prothonotary, or before a judge of the Superior Court sitting in the district of Kamouraska.

Who may be-
come
sureties.

The sureties shall be owners of real estate to the total value of two hundred dollars, according to the valuation roll in force, over and above any incumbrances there may be on such property. One surety shall suffice, provided he is an

owner of real estate of the required value. One or more of the petitioners may be security, if they own sufficient property as aforesaid.

59. Article 4284 of the Revised Statutes is replaced for the town, by the following : R. S., 4284, replaced for town.

The court or judge shall proceed in a summary manner to hear and decide such contestation. The evidence may be taken orally or in writing, in whole or in part, as may be ordered by the court or judge. Proceedings to be summary.

60. Articles 4285 and 4286 of the Revised Statutes are replaced, for the town, by the following : R. S., 4285 and 4286, replaced for town.

The court or judge by the judgment may confirm or annul the election, or declare that one or more other persons have been duly elected, or give the seat to the candidate entitled to the same if requested by the said petition in contestation. The court or judge may condemn either of the parties to pay the costs of the contestation. Such costs shall be as for an action of the lowest class in the Superior Court, and be recoverable as well against the losing parties as against their sureties. The judgment, in so far as regards the costs, shall be executory against the sureties, fifteen days after a copy thereof has been served upon them. Judgment of court, &c.
As to costs.
Executory as to costs.

61. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the court may admit or reject them, according as such defect or irregularity may or may not have materially affected the election. Power of court as to defects, and informalities, &c.

FAILURE TO HOLD AN ELECTION

62. Articles 4265, 4266 and 4267 of the Revised Statutes are replaced, for the town, by the following : R. S., 4265, to 4267, replaced for town

In case it shall happen that an annual municipal election shall not be held for any reason whatever, on the day, when in pursuance of this act, it ought to have been held, the town council shall not, for that cause, be deemed to be dissolved, and it shall be the duty of the members of such council to meet again for the purpose of fixing, as early as possible, a day for the holding of such municipal election ; and, in such case, the notices and publications required by this act, shall be published and posted up, for at least seven days before the election. Proviso as to failure to hold election.

63. If, within fifteen days after the day on which the election should have been held, the members of the council have not fixed a day for such election, they shall be liable to a fine of twenty dollars each. Penalty on members who have not fixed a day for election.

Mayor's duty
in such case
and penalty
for default.

64. In the latter case, it shall be the duty of the mayor in office or of the person who shall have last filled the office of mayor, to fix a day for the election and give the necessary notice, under a penalty of one hundred dollars.

SESSIONS OF THE COUNCIL

R. S., 4289,
replaced for
town.
First meeting
of council.

65. Article 4289 of the Revised Statutes is replaced, for the town, by the following :

The first meeting of the council, after the annual elections, shall be held within the eight days immediately following such election ; but before sitting at such meeting, the mayor and councillors elected shall take the following oath before a justice of the peace :

Oath of office
of members
of council.

" I, A. B., solemnly swear that I will faithfully fulfil the duties of member of the town council of Fraserville to the best of my judgment and ability. So help me God."

Powers, as
council.

And the members then present, provided they form a majority of the council, shall be competent to act as such council.

R. S., 4292,
replaced for
town.

66. Article 4292 of the Revised Statutes is replaced, for the town, by the following :

Quorum of
council.

The absolute majority of the members of the council shall form a quorum thereof.

R. S., 4290,
replaced for
town.

67. Article 4290 of the Revised Statutes is replaced, for the town, by the following :

Time and
place of meet-
ings of
council.

The council shall meet on the first and third Monday of every month and on any other days it may fix by resolution, at the town hall or other place in the town which may be fixed upon, and, if such Monday or other day so fixed be a non-juridical day, then on the following juridical day.

R. S., 4294
to 4296, re-
placed for
town.

68. Articles 4294, 4295, 4296 of the Revised Statutes are replaced, for the town, by the following :

Special meet-
ings.

A special session of the council may be convened, at any time, by the mayor or by two members of the council, by special written notice of such session to each member of the council, other than those summoning the same, and by a public notice posted up, on the door of the room in which the sittings of the council are held, on the day previous to such meeting. The notices shall mention the object of such session, and no other matter shall be considered at such meeting than that mentioned in the notices.

Notice there-
for.

69. No special session of the council shall be held, unless it be established, before proceeding to business, that the notice calling such meeting has been regularly given to the members of the council who are not present when the meeting is opened. Mention shall be made in the minutes of the meeting that the notice has been given in accordance with this act. Preliminaries of meeting.

70. Notice of the calling of any special session of the council shall be given to the members of the council and be posted up at least twenty-four hours before the time fixed for the holding thereof. Nevertheless a special session may lawfully be held and adjourned if all the members of the council are present at such session and with the unanimous consent of the said members. Delays on notices of meetings.

71. Articles 4297 and 4298 of the Revised Statutes are replaced, for the town, by the following : R. S., 4297 and 4298, replaced for town.

The sessions shall be public and shall commence at the hour of seven in the evening, unless otherwise determined by by-law or resolution of the council. Meetings public and when held.

72. Article 4299 of the Revised Statutes is replaced, for the town, by the following : R. S., 4299, replaced for town.

The mayor shall exercise the right of superintendence over all the officers of the municipality, shall see to the faithful and impartial execution of all municipal ordinances and by-laws, and shall communicate to the council any information or suggestion which he may consider conducive to the interests of the municipality or of its inhabitants. Powers of mayor.

73. The mayor shall preside at the sessions of the council, and shall sign, seal, and execute, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, unless the council provide otherwise. He shall, *ex-officio* and without other qualification, be a justice of the peace for the district of Kamouraska, and shall not be obliged to take the oath required for such office. Further powers of mayor. Mayor a justice of the peace.

74. The council shall, from time to time, appoint one of the councillors as pro-mayor, who shall replace the mayor when absent and shall possess all his powers during the mayor's term of office. The pro-mayor shall preside at the meetings when the mayor is absent, and when both the mayor and pro-mayor are absent, the council may appoint one of its members to preside. Appointment of pro-mayor. His duties.

ORDER DURING THE SESSIONS

Order during meetings. **75.** The officer presiding the council shall maintain order and decorum and decide questions of order, saving an appeal to the council.

Order of business, and power to fine, &c., for contempt. **76.** The council shall determine the order of its proceedings, and shall have power to maintain order amongst those present at its meetings, and to punish, by fine, or imprisonment in default of the fine being paid, any act of contempt committed by any person so present ; provided always that no such fine shall exceed the sum of twenty dollars and no such imprisonment the period of fifteen days.

Proviso.

R. S., 4300, replaced for town. **77.** Article 4300 of the Revised Statutes is replaced, for the town, by the following :

Decision of questions. Every disputed question shall be decided by a majority of the members present. The mayor may give his opinion, but may not vote, except in the case of an equal division of votes. The pro-mayor or any other councillor who presides, may vote whenever any question is put to the vote, and in case of an equal division of votes, the presiding officer shall be always bound to give the casting vote, giving his reasons therefor if he so please.

Casting vote of presiding officer, &c.

Power of council at adjourned sessions, &c. **78.** At every adjourned general session, the council shall have the right to consider all matters generally within its jurisdiction and shall have the same powers as if in general meeting assembled ; it shall have the same rights and powers at every special session or adjournment thereof if all the members of the council be then present and consent thereto.

COMMITTEES

Annual estimate of probable revenue to be prepared and of appropriations for various services. **79.** Every year as soon as possible after the committees are formed, each committee shall draw up and submit a statement of the amounts it deems necessary for the expenses of the year, and the finance committee shall at the same time make out an estimate of the probable revenues of the year.

Voting of appropriations. The council shall then vote the appropriations it considers sufficient to each committee for the payment of such expenses, but it shall keep in reserve at least five per cent. of its estimated revenue as aforesaid.

Committees not to exceed appropriations. No committee shall spend more than the amount placed at its disposal by the council, and if the same should prove insufficient, it shall ask for an additional appropriation, which shall be granted only on the recommendation of the finance committee.

In no case shall an account be paid without the approval of the members of the council sitting in committee of the whole. How amounts to be paid.

No payment shall be made out of the reserve fund of five per cent. or the surplus of any appropriation without special authorization from the council, which may always alter the employment of the appropriated sums and apply them to some other object. Payments out of reserve fund.

80. It shall be the duty of the council, at the beginning of the year following that in which the expenditure may exceed the receipts, to provide for the payment of such deficit either out of the receipts of the year if they be sufficient or by means of a special assessment, which shall be levied and collected in the same manner as ordinary taxes. Provision for payment of deficit.

81. Article 4308 of the Revised Statutes is replaced, for the town, by the following: R. S., 4308, replaced for town.

If any one summoned before the council or the committees, fails, without just cause, to appear at the time and place mentioned in the summons, when compensation has been paid or offered to him for his reasonable travelling expenses for going and returning, and one dollar a day for his time, he shall incur a penalty of not less than four, nor more than ten dollars, or imprisonment not to exceed fifteen days. To punish persons refusing to appear.

OFFICERS OF THE COUNCIL

82. Article 4309 of the Revised Statutes is replaced, for the town, by the following: R. S., 4309, replaced for town.

The council shall always have an officer as custodian of its office and archives, who shall be styled the "secretary-treasurer." Secretary-treasurer.

It shall be also the duty of the council to appoint, in the month of February in each year, one or two auditors for the current year. Auditor.

The council, in addition, may, at any time, appoint all such officers as are necessary to carry into effect its orders and by-laws and the provisions of this act. Other officers.

83. Article 4311 of the Revised Statutes is replaced, for the town, by the following: R. S., 4311, replaced for town.

Every municipal officer may, at any time, be removed by the council. Power to remove officers.

84. Article 4316 of the Revised Statutes is replaced, for the town, by the following: R. S., 4316, replaced for town.

In the event of the death of a municipal officer or of his leaving the district, it shall be the duty of his representatives Representatives of deceased officer,

&c., to deliver up moneys, &c., to his successor.

to deliver to his successor or in the office of the council, within eight days of such death or departure, the moneys, keys, books, articles, papers, documents, archives and things, connected with the office filled by such officer.

R. S., 4324, replaced for town.

Responsibility of municipal officers to corporation for neglect of duties, &c.

85. Article 4324 of the Revised Statutes is replaced, for the town, by the following :

Municipal officers shall be responsible to the corporation only for their acts or for the damages arising from the refusal or neglect to perform their duties, except as regards the penalties they may have incurred, which may be recovered under the provisions of the third part of this act.

R. S., 4325 and 4326, replaced for town.

Secretary-treasurer appointed during pleasure. Oath of office, &c.

86. Articles 4325 and 4326 of the Revised Statutes are replaced, for the town, by the following :

The secretary-treasurer shall remain in office during the pleasure of the council. Before acting as such he shall make oath to discharge well and faithfully the duties of his office, and shall, within thirty days next following, give security in the manner prescribed by this act.

R. S., 4328 to 4335, replaced for town.

Security to be furnished by secretary-treasurer.

87. Articles 4328 to 4335, inclusively, of the Revised Statutes are replaced, for the town, by the following :

The secretary-treasurer shall, on or before entering into office, furnish security to an amount not less than two thousand and not more than five thousand dollars, in the discretion of the council, by means of a guarantee policy obtained by him at his own expense from a guarantee company accepted by the council, which policy shall be kept up by the secretary-treasurer.

DUTIES OF THE SECRETARY-TREASURER

R. S., 4339, replaced for town.

Secretary-treasurer collects funds of corporation, and makes assessment, &c., rolls.

88. Article 4339 of the Revised Statutes is replaced, for the town, by the following :

The secretary-treasurer shall collect and have charge of all moneys due or payable to the corporation, and shall be obliged to make up the rolls of assessment and apportionment for all municipal purposes whatsoever.

R. S., 4340, replaced for town.

Deposit of moneys by secretary-treasurer.

89. Article 4340 of the Revised Statutes is replaced, for the town, by the following :

The secretary-treasurer shall deposit in any corporate bank the moneys belonging to the corporation, when he has on hand a sum exceeding one hundred dollars. He may, however keep on hand any sum not exceeding one hundred dollars.

90. Article 4341 of the Revised Statutes is replaced, for the town, by the following : R. S., 4341,
replaced for
town.

He shall pay, out of the funds of the corporation, all sums of money due by it, whenever authorized to do so by the council. If the sum to be paid does not exceed ten dollars, the authorization of the mayor shall be sufficient. Payment of
moneys by
secretary-
treasurer.

91. Article 4349 of the Revised Statutes is replaced, for the town, by the following : R. S., 4349,
replaced for
town.

The office of the secretary-treasurer shall be established in the place where the sessions of the council are held, or in any other place fixed, from time to time, by resolution of the council, and it shall be open on every juridical day from nine o'clock in the morning to four o'clock in the afternoon. Office of
secretary-
treasurer
where and
when held.

AUDITORS

92. Article 4351 of the Revised Statutes is replaced, for the town, by the following : R. S., 4351,
replaced for
town.

The auditors shall enter upon their duties as soon as they are sworn to discharge well and faithfully the duties of their office. They shall remain in office until the entry into office of their successors. Their remuneration shall be fixed by resolution of the council. When
auditors
enter into
office.
Term of office
and payment.

ASSESSORS

93. Article 4353 of the Revised Statutes is replaced, for the town, by the following : R. S., 4353,
replaced for
town.

No person shall be an assessor unless he possesses, as proprietor, in the town, either in his own name, or in that of his wife or of his minor children, real estate to the value of four hundred dollars, according to the valuation roll in force. Qualification
of assessors.

94. Article 4354 of the Revised Statutes is replaced, for the town, by the following : R. S., 4354,
replaced for
town.

The assessors, in the execution of their duty, may demand the services of the secretary-treasurer and of any other clerk. Clerk to
assessors.

The secretary-treasurer or clerk whose services shall have been so required, shall be entitled, for every day during which he is employed, to a sum not exceeding two dollars, payable by the corporation, on a certificate from the assessors who employed him. Payment of
such clerk.

The assessors' remuneration shall be fixed by a resolution of the council. Payment of
assessors.

R. S., 4355,
replaced for
town.

Assessors to
be sworn.

Oath.

95. Article 4355 of the Revised Statutes is replaced, for the town, by the following :

The assessors, before acting as such, shall each take the following oath :

“ I, A. B., appointed assessor by the council of the town of Fraserville, solemnly swear that I will, diligently, honestly and justly, discharge the duties of the said office, to the best of my judgment and capacity. So help me God.”

Vacancies in
office of as-
sessor or
auditor how
filled.

96. In the event of any vacancy occurring in the office of assessor or auditor, through omission to appoint assessors or auditors at the date determined by law, or owing to the death, absence, want of qualification, or inability or refusal to act of the person or persons appointed to such offices, the council may appoint one or more persons duly qualified to fill such vacancies.

Penalty on
assessors ne-
glecting to
perform their
duties, &c.

Whenever the assessors shall neglect to make the valuation which they are required to make under this act, or shall neglect to draw up, sign and deliver the valuation roll to the secretary-treasurer of the council within the period specified by section 206, every assessor in default shall incur a penalty of two dollars for every day between the expiration of such period and the day on which such valuation roll shall be so delivered or their successors shall be appointed.

MUNICIPAL NOTICES

R. S., 4360,
replaced for
town.

Service of
special notice
how effected.

97. Article 4360 of the Revised Statutes is replaced, for the town, by the following :

The service of a special notice shall be effected by leaving a copy of the notice with the person to whom it is addressed, in person, or with a reasonable person at his domicile, ordinary residence, or at his place of business, even when occupied by him in partnership with some other person ; except in case where the service is made by mail.

R. S., 4365,
replaced for
town.

Services how
effected if
doors are
closed, &c.

98. Article 4365 of the Revised Statutes is replaced, for the town, by the following :

If the doors of the domicile, ordinary residence or place of business, where service of a special notice should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice on one of the doors of the domicile, ordinary residence or place of business.

Delays upon
special
notice.

99. The intermediate delay after a special notice shall run from the day on which it was served, such day not being included.

100. Article 4367 of the Revised Statutes is replaced, for the town, by the following : R. S., 4367,
replaced for
town.

The publication of a public notice shall be made by posting a copy of such notice at two different places in the town, from time to time determined by resolution of the council, and at the door of the Roman Catholic church of the parish 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 church. Publication
of public
notices.

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

102. Article 4370 of the Revised Statutes is replaced, for the town, by the following : R. S., 4370,
replaced for
town.

Except in cases otherwise provided for, the intermediate delay after a public notice shall date from the day on which such notice has been posted ; if it is ordered that the notice must be published in a newspaper, the intermediate delay shall date from the day of the first insertion of such notice ; if the notice is published in several newspapers upon different days, the delay shall date from the day of the first insertion made in the newspaper which shall have last published such notice. In all cases the day on which the notice was posted shall not count. Computation
of delays
upon public
notices.

PART SECOND

POWERS OF THE COUNCIL

I. GENERAL PROVISIONS

103. The council shall have jurisdiction throughout the entire extent of the town, and beyond the limits of the town in special cases where more ample authority is conferred upon it. Jurisdiction
of council.

104. Article 4374 of the Revised Statutes is replaced, for the town, by the following : R. S., 4374,
replaced for
town.

By-laws, resolutions and other municipal orders shall be passed by the council in session, in the manner and according to the rules of procedure laid down by the council. By-laws, &c.,
how passed.

Every act done and passed by the council contrary to the provisions thereof shall be null and void. Nullity of
certain acts.

Office of council where deemed to be.

105. The office of the council shall be that which is occupied by the secretary-treasurer in his official capacity and shall be held within the limits of the town.

II.—BY-LAWS

R. S., 4381, replaced for town.

106. Article 4381 of the Revised Statutes is replaced, for the town, by the following :

By-laws to be registered and how.

The original of every by-law shall be registered at length in a special book entitled, "book of the by-laws of the council of the town of Fraserville," and such entry shall be signed by the mayor and countersigned by the secretary-treasurer.

Further entry at the end of every by-law registered.

The secretary-treasurer shall further enter in such book, at the end of every by-law registered therein, a copy, certified by himself, of the notice of publication of such by-law, and a copy, similarly certified, of the certificate of publication of such notice.

R. S., 4388, placed for town.

107. Article 4388 of the Revised Statutes is replaced, for the town, by the following :

By-laws how repealed, &c.

The repeal or amendment of any by-law can only be made by means of another by-law, and, before proposing such by-law, it shall be necessary that a notice of motion therefor shall have been given at least fifteen days beforehand at a previous session.

Proceedings to obtain privileges from council.

108. Every person, firm or company, desiring to obtain a privilege, franchise, exemption or bonus, shall file a written application in the office of the council, and, if such application occasions or necessitates the preparation of a by-law, the applicant must previously deposit in the hands of the secretary-treasurer, a sum of not less than fifty dollars, and not exceeding one hundred dollars, in the discretion of the council, to cover the disbursements necessitated by such by-law, except in the case of an undertaking in the public interest.

R. S., 4391 and 4397, replaced for town.

109. Articles 4391 and 4397 of the Revised Statutes are replaced, for the town, by the following :

Within what delay petition to be presented and what to contain.

The petition shall be presented within a delay of forty days from the date of the coming into force of the by-law, shall set forth, in a clear and precise manner, the reasons alleged in support of the demand, and shall be accompanied by a certified copy of the by-law impugned, if such copy could be obtained.

Production of copy of by-

If such copy could not be obtained, the court or judge, upon application being made to that effect, shall order the

production thereof by the secretary-treasurer of the council or by any person who may be the depositary of such by-law. law in certain cases.

110. Article 4393 of the Revised Statutes is replaced, for the town, by the following : R. S., 4393, replaced for town.

The rules prescribed in sections 56 and 59 of this act and article 4283 of the Revised Statutes shall also apply *mutatis mutandis* to the petition presented in virtue of article 4389 of the Revised Statutes. Rules to apply to such petition.

111. The petitioner shall, previously to presenting the petition, give security for costs before a judge of the Superior Court or the prothonotary of the court, or deposit in the office of the court an amount sufficient to secure the payment of such costs, and the judge or prothonotary shall determine the amount of such security or of such deposit. Security for costs to be given.

The sureties must be owners of immoveable property in the town of a value of at least two hundred dollars over and above all charges thereon, according to the valuation roll then in force. Qualification of sureties.

112. The court or judge may condemn either of the parties to pay the costs of the contestation, which shall be taxed and recovered in the usual manner; it may also be ordered that its judgment be served upon the secretary-treasurer at the expense of the party condemned to pay the costs. Parties may be condemned to costs.

The judgment, in so far as the costs are concerned, shall be executory against the sureties, fifteen days after a copy thereof shall have been served upon them. Execution of judgment as to costs.

113. Article 4394 of the Revised Statutes is replaced, for the town, by the following : R. S., 4394, replaced for town.

The court may by its judgment confirm or annul such by-law, in whole or in part; and such judgment shall be published by the secretary-treasurer in the manner provided for the usual publication of by-laws within the fifteen days immediately following the service upon him of a true copy of such judgment. Court may confirm, &c., by-law and publication thereof.

114. Article 4376 of the Revised Statutes is replaced, for the town, by the following : R. S., 4376, replaced for town.

Any *procès-verbal*, roll, resolution or other order of the council may be annulled by the Superior Court for the district or by a judge thereof, for illegality or informality, within the same delay, in the same manner and with the same effect as a by-law of the council. Procès-verbal, &c., may be annulled for illegalities, &c.

III.—GENERAL POWER TO MAKE BY-LAWS

R. S., 4398,
replaced for
town.
General
powers of
council to
make cer-
tain by-laws.

115. Article 4398 of the Revised Statutes is replaced, for the town, by the following :

The council may, from time to time, make such by-laws as may seem necessary or expedient: for the internal government of the town, for the improvement of the place; for the maintenance of peace and good order; for the good repair, cleaning and draining of the streets, public squares, and vacant or occupied lots; for the prevention or suppression of all nuisances whatsoever; for the maintenance and preservation of the public health; for the protection of the life and property of the inhabitants of the town, and for all purposes whatsoever authorized by the general law governing town corporations, and generally for everything affecting the internal management and government of the town.

Power to
make, &c.,
certain by-
laws to :

116. The council shall also have the right, from time to time, to make, amend, repeal or replace, in whole or in part, by-laws which refer to itself, its officers, or the municipality, upon any of the subjects following :

1.—*Government of the Council and of its officers*

Authorize
visit of prop-
erty by cor-
poration
officers for
certain pur-
poses.

117. To authorize the officers of the council to visit and examine all immoveable or moveable property, as also the interior or exterior of any house, building or edifice whatsoever, to ascertain if the by-laws of the council are executed in respect thereof; and to compel the owners or occupants of such properties, building and edifices to admit the officers of the council.

R. S., 4401,
replaced for
town.
Determine
powers of
officers and
impose fines
upon them
for neglect of
duty;

118. Article 4401 of the Revised Statutes is replaced, for the town, by the following :

To determine the powers of all officers appointed by the council, and impose upon such officers penalties or fines for neglect of duty when such fines and penalties are not determined by law.

2.—*Public Health*

R. S., 4417,
replaced for
town.
Take
measures
respecting
health of
town;

119. Article 4417 of the Revised Statutes is replaced, for the town, by the following :

To take proper measures for protecting the inhabitants of the municipality from contagious or pestilential diseases, or for diminishing the danger or effects resulting therefrom; and to establish one or more boards of health; appoint a competent person to inspect the meat and milk sold or

offered for sale in the town and to empower him to confiscate all meat and milk not of the first quality or which may be unfit for food and dangerous to health. And the council may by by-law impose a penalty, by fine and imprisonment in default of such fine being paid, upon all persons selling or offering for sale in the town such unhealthy and bad meat or milk.

3.—Public Safety

120. Article 4422 of the Revised Statutes is replaced, for the town, by the following :

To compel the owners or occupants of barns, hay-lofts, or other buildings containing combustible, explosive or inflammable substances, to keep the doors or other openings thereof shut.

R. S., 4422,
replaced for
town.
Cause doors,
&c., to be
shut of cer-
tain build-
ings ;

121. Article 4426 of the Revised Statutes is replaced, for the town, by the following :

To authorize certain persons to cause to be pulled down, removed or blown up such buildings and cut all electric, telephone or telegraph wires as may appear necessary in order to avert the progress of any fire, saving all damages and indemnity payable by the corporation to the proprietors of such buildings or installations to an amount agreed between the parties, or on contestation to an amount settled by arbitrators.

R. S., 4426,
replaced for
town.

Cause build-
ings to be re-
moved to pre-
vent spread
of fires, &c. ;

In the absence of any by-law under this article, the mayor may, during the course of any fire, exercise this power by giving a special authorization verbally or in writing.

Power of
mayor under
this article.

122. Article 4427 of the Revised Statutes is replaced, for the town, by the following :

To authorize the formation and organization of one or more fire-brigades, companies of firemen or sappers, and to determine the duties of the members of such companies.

R. S., 4427,
replaced for
town.

Authorize
formation of
fire compa-
nies ;

123. Article 4430 of the Revised Statutes is replaced, for the town, by the following :

To construct buildings for the reception and safe storage of oils and other inflammable or explosive fluids, liquids or substances.

R. S., 4430,
replaced for
town.

Construct
buildings for
storage of
certain fluids,
&c. ;

124. Article 4431 of the Revised Statutes is replaced, for the town, by the following :

To prevent all persons from setting off fireworks or crackers, or from discharging fire-arms, or lighting fires in the open air, on the high road or in the neighborhood of

R. S., 4431,
replaced for
town.

Prevent dis-
charge of
fire-arms, &c. ;

any building, grove or fence, or to permit the same under certain conditions; to prevent or regulate shooting with guns, pistols and other fire-arms.

R. S., 4433,
replaced for
town.
Prevent
erection of
wooden
buildings,
&c. ;

125. Article 4433 of the Revised Statutes is replaced, for the town, by the following :

To prevent the erection of wooden buildings or fences in the town, or in any part thereof and prescribe the materials of which they shall be built.

Determine
position of
stoves, &c. ;

126. To determine in what manner stoves, grates and stove-pipes shall be placed, and chimneys, furnaces and ovens shall be made and used.

Regulate con-
duct of per-
sons at fires ;

127. To regulate the conduct of all persons present at a fire, to compel idle persons to assist in saving effects in danger and in extinguishing the fire ; to punish any person who shall resist any member or officer of the council while exercising any of the powers conferred upon him by any by-law relating to fires.

Appoint
officers to
carry out by-
laws, &c. ;

128. To appoint all such officers as the council may deem necessary for carrying into execution the by-laws in relation to accidents by fire, to prescribe their powers and duties and remunerate them out of the funds of the town.

4.—*Public Nuisances*

R. S., 4451,
replaced for
town.
Have gro-
ceries, &c.,
cleaned ;

129. Article 4451 of the Revised Statutes is replaced, for the town, by the following :

To oblige the owners or occupants of all stalls, groceries, cellars, manufactories, tanneries, drains or other unhealthy and fetid places, to keep them clean and render them wholesome.

R. S., 4448,
replaced for
town.
Compel pro-
prietors, &c.,
to clean
stables, &c. ;

130. Article 4448 of the Revised Statutes is replaced, for the town, by the following :

To compel the tenants, occupants or owners of houses and buildings to clean their stables, cattle-sheds, sheds, privies, and the yards connected with such buildings and to fix the time and manner in which they shall be drained.

To regulate,
&c., use of
steam-
engines. &c. ;

131. To prohibit and regulate the erection, use, or employment in the town of steam or other engines or manufactories of any kind which may be calculated to vitiate the air or incommode the neighborhood, of which the said council shall be the judge, or of shambles, manufactories or establishments, where works, operations or processes are carried on which endanger or tend to jeopardize the public

health or the public safety ; and the council shall also have the power to permit the erection, use or employment thereof, subject to such restrictions, limitations and conditions as the council may deem necessary.

132. To prevent any person from bringing into or depositing or leaving within the limits of the town any dead body or carcass, and cause the same, together with any matter or thing on the point of becoming unwholesome, to be removed by the proprietor or occupant of any place where the same may be found.

Prevent carcasses from being brought or left in town, &c. ;

133. To prevent in the town the profanation of burying-grounds, tombs, sepulchres, monuments or vaults, where dead bodies are buried.

Prevent profanation of burying-grounds, &c. ;

5.—Decency and good morals

134. Article 4444 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4444, replaced for town.

To secure, by all suitable means, the proper observance of Sundays and to prevent, on Sundays and holidays of obligation, horse-races and all other horse or velocipede exercises upon any race-course or place whatever.

Observance of Sunday ; Prevent racing on certain days &c. ;

135. Article 4446 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4446, replaced for town.

To prevent the posting up, or the making or writing of indecent or immoral placards, paintings, drawings, words or inscriptions, upon houses, walls or fences, and on public roads or squares or in shop windows or public places.

Prevent posting up of indecent, &c., placards, &c. ;

136. To suppress and punish vagabonds, beggars, prostitutes and disorderly persons.

Suppress and punish vagabonds, &c. ;

137. Article 4442 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4442, replaced for town.

To prevent and restrict all games of chance, with or without betting, within the limits of the town, and to suppress gambling houses and houses of ill-fame.

Prevent games of chance ;

138. To suppress swearing and blaspheming in the streets or public squares of the town or its vicinity.

Suppress swearing, &c. ;

139. To prevent mock serenades (*charivaris*) or other disorderly conduct disturbing the public peace.

Prevent *charivaris*, &c. ;

6.—Public Markets

R. S., 4408
and 4410,
replaced for
town.

Establish and
regulate
public
markets, &c. ;

140. Articles 4408 and 4410 of the Revised Statutes are replaced, for the town, by the following :

To establish, change, abolish or keep in order public markets or places in which public markets are held ; to regulate and determine the duties and powers of the market clerks of the town, of constables or other persons employed in looking after such markets ; to regulate the lease of stalls or stands in and around such markets ; to determine and establish the dues to be levied upon all persons who shall come to sell or offer for sale any kind of articles or goods.

Establish and
regulate
abattoirs,
&c. ;

141. To establish, regulate and manage public or private abattoirs within the limits of the town, determine the distance of the abattoirs from houses, and even to prohibit them.

Authorize
seizure of
grain, &c. ;

142. To authorize the seizure and confiscation of grain, meat, fish, flour, butter, potatoes and all vegetables, fruit, articles and goods brought into the town to be sold, on account of deficient measure, weight or quality, or for any other cause deemed good and sufficient.

Regulate sell-
ing of effects ;

143. To regulate the conduct of all persons in the sale of such effects.

R. S., 4411,
replaced for
town.

Establish
weighing,
&c. ;

144. Article 4411 of the Revised Statutes is replaced, for the town, by the following :

To establish, maintain and regulate weighing and measuring, by officers appointed for the purpose, on payment of all fees which the town council may deem advisable to impose therefor, all produce or articles whatsoever which may be offered for sale upon such markets.

Regulate
markets
generally ;

In a word to determine whatever may relate to the government of public markets.

R. S., 4412,
replaced for
town.

Impose taxes
on persons
selling on
streets and
markets ;

145. Article 4412 of the Revised Statutes is replaced, for the town, by the following :

To impose taxes, licenses or specific duties on every carriage and waggon, and upon all persons who sell in the streets, squares, public places or market places under the control of the corporation.

Authorize
confiscation
of certain
articles ;

146. To authorize the seizure and confiscation of all goods or produce, articles and effects brought into the town for sale or otherwise, owing to deficient weight, measure and quality, or for any other good and sufficient cause, or

without license for that purpose, and to determine in what manner such articles shall be delivered and sold.

147. To permit the inspector or any rate-payer or police constable appointed by the council or the market clerks to seek out and cause to be punished all persons who endeavor to avoid or who avoid or who shall have avoided payment of the dues imposed for the sale of goods or animals within the town, by hiding in private yards, selling in the streets, or otherwise.

Allow inspector, &c., to have certain persons punished for certain infractions of market regulations ;

7.—*Sale of bread and milk*

148. Article 4413 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4413, replaced for town.

To regulate the sale, weight and quality of bread made for the purpose of being sold or exposed for sale in the town, and the marks to be placed on such bread, and all things concerning the inspection of bread, the seizure and manner of disposing thereof after such seizure and confiscation, and to that end, authorize any police officer or other person designated by the council to enter baker's or other shops or places where bread is sold, and to stop in the streets the vehicles of bakers and dealers in bread for the purpose of inspecting the bread they contain and ascertaining the weight and quality of each loaf.

Regulate sale, &c., of bread, &c. ;

To regulate the sale, quality and inspection of milk and authorize the seizure and confiscation thereof, and to that end the same powers are conferred upon police officers or other persons designated by the council as those mentioned in the foregoing provision.

Regulate, &c., sale of milk, &c.

8.—*Sale of intoxicating liquors*

149. Article 4414 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4414, replaced for town.

To restrict, or prohibit the sale of spirituous, alcoholic or intoxicating liquors, or to permit the same under such restrictions as the council may deem expedient.

Restrict the sale of spirituous, &c., liquors.

150. Article 4415 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4415, replaced for town.

To prevent the sale of any intoxicating drinks to children under sixteen years of age, apprentices and servants, and to forbid their frequenting taverns, hotels, restaurants and shops where intoxicating liquors are sold.

Prevent sale of intoxicants to certain persons ;

Regulate
tavern-
keepers, &c.

151. To regulate and govern tavern-keepers, shop-keepers and other retailers of such liquors and persons keeping places of public entertainment in such manner as the council may deem expedient, for the prevention of drunkenness, also to suppress gambling and debauchery.

9.—*Carters*

R. S., 4468,
replaced for
town.
License
carters, &c.

152. Article 4468 of the Revised Statutes is replaced, for the town, by the following :

To authorize the granting of licenses to carters, coachmen, draymen, owners and drivers of vehicles for public hire, bicycles or automobiles in the town ; to compel such persons to take out an annual license, and to determine everything relating to the better government of carters and their vehicles for public hire ; to impose a duty for the issuing of such licenses.

Establish
rules and
tariff for
carters, &c.

153. To establish rules with respect to owners and drivers of horses and vehicles kept for public hire and fix a tariff therefor.

Fine persons
not paying
carters em-
ployed by
them, &c. ;

154. To impose a fine and penalty upon every person who hires or employs a carter of the town and neglects or refuses to pay him according to the tariff, as well as upon every carter, owner or driver of a public vehicle who, without reasonable cause, refuses his services when required or exacts in any manner whatsoever a higher fare than that determined by the tariff.

10.—*Water-courses, ditches and drains*

R. S., 4454 to
4457, re-
placed for
town.
Cause
ditches, &c.,
to be opened,
&c.

155. Articles 4454 to 4457, inclusively, of the Revised Statutes are replaced, for the town, by the following :

To cause to be opened, dug, enlarged, covered and properly maintained any ditch necessary for drainage, or any boundary or division ditch or any water-course common to several lots, as the council may deem advisable, and to determine the time and manner of making such works, as also the persons of the town by whom or at whose expense the same shall be made, and, if the council deems more expedient that the works be executed at the joint expense of the parties interested, it may levy on the proprietors of the lands situate within the town and drained by the ditch or water-course, the sums required for such works, according to the estimated value of such lands or the length of the ditch or water-course upon the same, and to determine the mode of col-

lecting and levying the taxes so imposed ; and the council may appoint an inspector of water-courses, determine his duties, and impose penalties, not exceeding twenty dollars, and in default of payment an imprisonment not exceeding one month, on any person obstructing, deranging, or suffering the obstruction or derangement of ditches or water-courses, or refusing to make or suffer to be made the works ordered by the inspector under the by-laws ; provided always that the council may, for a period determined by it, by a by-law passed to that effect, take charge of all or a part of the water-courses and ditches at its own expense and on its own responsibility if it thinks proper.

Appoint in-
specter there-
for.

Proviso.

11.—Public streets and squares

156. Article 4458 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4458,
replaced for
town.

To order the opening of new streets and the enlargement or alteration of existing streets.

Open up new
streets, &c.

To prescribe the mode of construction or repairing of the roads and streets of the town, at the cost of the corporation or of the owners of adjacent lands, so as to keep them always in good order, as the council may deem advisable, and according to such plans and conditions as the council shall deem suitable.

Prescribe
method of
construction,
&c., of roads
in town.

157. Article 4459 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4459,
replaced for
town.

To extend, narrow, widen, open, make, repair, maintain or completely close the roads, streets, squares, lanes, bridges, sidewalks, crossings, drains, streams, ditches and all natural water-courses in the town, and to regulate and alter the line or height thereof ; to prevent their being encumbered or obstructed in any way and protect them against all damages, trespass, projections or obstacles of any kind ; to prescribe how they are to be made or maintained ; provided that if any person suffers any real damage from the widening, extending, closing or changing of the level of such streets or sidewalks, such damage shall be paid to such person as may be awarded by experts.

Extend, &c.,
streets, &c.

158. To grant to any person or company incorporated for the purpose of working telephone lines, electric light or tramways, or other industries requiring to use the streets, squares or public places, the right to use all or a part of such streets, squares or public places for their industries.

Use of streets
by telephone,
&c., com-
panies.

Establishment of tramways, &c.

Penalties for infringements.

Compel removal of snow from sidewalks, &c. ;

R. S., 4466, replaced for town. Prevent driving at too rapid a rate, &c. ;

Prevent cruelty to animals.

Compel parties to plant, &c., trees, &c. ;

R. S., 4467, replaced for town. Obligation of council as to roads, &c., and damages arising from bad state thereof ;

Determine, &c , installation of in-

159. To permit, on such conditions and subject to such restrictions as the council may deem expedient to impose, the establishing of any tramway or electric railway line in the town ; to impose penalties, not exceeding four hundred dollars, upon any company operating any such railway or their employees, for each and every infringement of such by-law.

160. To oblige every proprietor or occupant of land to remove the snow from the sidewalks skirting such land, within a specified delay, and compel every proprietor or occupant of a house or other building bordering on the public street to remove the snow and ice from the roof of the house or building.

161. Article 4466 of the Revised Statutes is replaced, for the town, by the following :

To prevent vehicles, bicycles, and automobiles being driven at too rapid a rate, or persons riding on horseback or on bicycles, automobiles, velocipedes, or in any other vehicle over or upon the sidewalks ; and regulate in what manner horses shall be left standing or be tied in streets or open sheds of the town ; to prevent horses or other animals from receiving cruel treatment, such as being excessively beaten to compel them to draw too heavy loads or burdens.

162. To compel proprietors to maintain the trees on the front of their property in good order and determine what kind of trees, and in case such trees shall die, or shall be cut down, broken or completely destroyed in any manner whatsoever, to plant in proper season other trees instead of those so destroyed, and to impose such penalty as the said council shall deem advisable, not exceeding twenty-five dollars, against all persons up-rooting, cutting down, damaging or destroying, in any manner whatever, such trees, or attempting, advising or inciting whomsoever to pull out, cut down, damage or destroy the said trees.

163. Article 4467 of the Revised Statutes is replaced, for the town, by the following :

The council shall be bound to provide that the roads, streets, sidewalks, crossings and public highways, be kept in constant good order ; and the corporation shall be responsible in damages for the bad state of such roads, streets, sidewalks, crossings and other public highways.

164. To determine, alter or modify at will, by by-law, the method of installation of any industry or undertaking whatsoever, using or making use of the streets and public

places in such manner as not to impede traffic or affect public safety ; and to order every person, company or corporation to make, and in their default to cause to be made, at their expense, all changes, reforms and improvements whatsoever that the council may deem expedient in the said installation in the streets and public places, to secure free traffic and public safety or with a view of the general embellishment of the town.

165. To compel telephone, telegraph, electric light or power companies to place their wires underground in the streets and public places of the town.

Nothing in this section shall prejudice the existing rights, if any there be, of any company in virtue of any contracts entered into with the town.

12.—*Indemnities, reliefs and rewards*

166. Article 4435 of the Revised Statutes is replaced, for the town, by the following :

To indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled, within the limits of the municipality.

The council is authorized to levy, over and above any other tax, on the taxable property of the town, the amount which the corporation may be held to pay for damages occasioned to property by rioters or persons riotously assembled.

In default of the council paying such damages within six months, according to the award of arbitrators, the corporation may be sued before any competent court for the damages so occasioned within the preceding six months.

167. Article 4436 of the Revised Statutes is replaced, for the town, by the following :

To relieve any person who has received any wound or contracted any sickness or disease at a fire or in the performance of any public act of self-sacrifice.

13.—*Miscellaneous provisions*

168. Articles 4472 and 4473 of the Revised Statutes are replaced, for the town, by the following :

The council shall also have the right to make, amend and repeal by-laws for the following objects :

1. To establish one or more libraries, gymnasiums, theatres, schools of arts and manufactures, regulate the place where and the manner in which the same shall be kept, and prohibit all immoral or obscene performances ;

Alter
boundaries of
wards ;

2. To modify, revise or alter the boundaries of the various wards of the town and the names of the streets or avenues of the town ;

Number
houses, &c. ;

3. To compel all proprietors or tenants to allow numbers to be placed upon their houses or upon their lots, as well as the names or numbers of the streets and avenues of the town upon such lots or houses as the council shall designate, under penalty of a fine not exceeding twenty dollars, and in default of payment of imprisonment for not more than one month, against any person who shall remove, destroy, or endeavor, assist, advise or incite any one to remove or destroy such numbers or names.

Subscribe to
agricultural
society, &c. ;

169. To subscribe and set apart every year such sum of money as the council may deem sufficient for the purpose of assisting the agricultural society of the county of Temiscouata in holding exhibitions or agricultural competitions in the town, of providing a suitable locality for promoting the holding of such exhibitions or competitions in the manner the best suited for the improvement of agriculture ; to prevent or cause to be done away with all abuses prejudicial to agriculture and unprovided for by law.

R. S., 4476,
replaced for
town.
Regulate,
&c., custody,
&c., of
animals ;

170. Article 4476 of the Revised Statutes is replaced, for the town, by the following :

To restrain and regulate the custody and abandonment of animals of all kinds, and to authorize the detention thereof in public ponds, and the sale thereof for the penalty incurred, and the costs of prosecution, as well as the expenses of detention ;

Provide for
establish-
ment of pub-
lic pounds ;

To establish public pounds for the safe keeping of animals and poultry, found astray or doing damage on the public roads and bridges or on the lands of others than the owners of such animals and poultry ; to fix the fees to be paid to the guardians of such pounds, the damages payable by owners of such impounded animals and poultry, and also the manner in which such animals or poultry shall be sold, in the event of their not being claimed within eight days, or in case the damages, penalties, fines and expenses shall not have been paid according to law, or to any by-laws made for the said purpose.

Establish
tariffs for
public
pounds, &c. ;

171. To establish a tariff of fines and dues which shall be paid to the public pounds which are now kept, or which shall hereafter be established in the town ; provided always that such fines may be recovered from the owners of such animals or fowls, if such owners are known, without its being necessary to seize such animals and take them to the pounds ; and it shall be the duty of the keepers so appointed to deliver and hand over such animals to their

owners, on payment of the fine imposed together with their fees and the cost of keeping the animals.

172. To compel every person desirous of keeping a wood-yard or coal-yard in the town, to previously obtain a license or permit from the council and also for determining under what conditions such license shall be granted ; provided that it shall be lawful for the said council, when it deems it advisable, for the prevention of fire or for any other reason, to refuse such permit or to grant it only in certain portions of the town. And the council shall also have the right to determine, by such by-laws, how such wood-yard or coal-yard shall be kept and fenced in, and to what height wood and coal may be piled both by owners of wood-yards or coal-yards, and by any other person in the town.

Compel persons to take licenses to keep wood-yards, &c.;

173. 1. The council of the town of Fraserville may, at any time, at its own expense, cause to be laid out, fixed and determined, under the direction and superintendence of the road committee and of three commissioners appointed for that purpose by the council, streets, roads, public places and squares, and for that purpose employ a sufficient number of surveyors or other competent persons who shall, within the delay fixed by the council and under the direction and superintendence aforesaid, lay out, fix and determine such streets, roads, public places and squares, with such width and extent as they may deem best suited to the public interest.

Council may lay out, &c.; streets, roads, &c.;

2. Such surveyors or other persons may, for such purpose, enter in and upon all property in the town and draw up a plan indicating the streets, roads, public places and squares, both those actually in existence and those which they shall lay out, and they shall show upon the said plan the new direction of the streets or sections of streets, highways, places and squares which the council shall have resolved to widen; and such plan shall be known as the *Plan of the town of Fraserville*.

Powers of surveyors in laying out streets, &c.;

3. When such plan shall be completed, the town shall, by summary petition, apply to the Superior Court for the district of Kamouraska, after giving public notice of the day and hour when the petition will be presented, thirty days before presenting the same, to obtain the confirmation and ratification of the plan after having corrected it, if necessary.

Deposit of plans of such streets, &c., for confirmation;

4. When the plan shall have been confirmed in the manner above mentioned it shall be final, definite and binding upon the corporation of the town and all the rate-payers ; and no compensation or damages shall be demanded or

Effect of confirmation.

Proviso.

granted for any buildings or improvements whatever, erected or made after the confirmation of the plan, upon any space of ground reserved for the widening of the streets or public squares; provided always that the council shall have the right to widen or extend any of the streets, public places or squares indicated in the plan, if it deems advisable.

Duplicate
plan.

5. A duplicate of the plan shall be deposited, immediately after its completion, in the office of the prothonotary of the said court and another duplicate in the office of the council ; and the secretary-treasurer shall make an entry on the duplicate of the plan deposited in the office of the council, in the following terms :

"Confirmed by the Superior Court on the
day of one thousand, nine hundred and

22

IV.—SPECIAL POWERS

1—Water Supply, Light, Tramways, etc.

R. S., 4485,
replaced for
town.

174. Article 4485 of the Revised Statutes is replaced, for the town, by the following :

**Council may
make by-laws
to provide
for establish-
ment of
water-works ;**

The council may, from time to time, make, repeal or amend by-laws : to provide for the establishing and maintaining of one or more systems of water-works or sewage, public wells or reservoirs to supply the said town with water, and for the protection and management of such water-works, sewage, public wells or reservoirs ; to prevent public water from being soiled or wasted uselessly or contrary to such by-laws ; to restrict the use of the same as circumstances shall require ; to forbid any person to give, or allow any person to take such water when the council has taken it away from them as hereinafter provided.

Permission to
drain into
certain river,
&c.

175. The town council, on a report of its engineer that it is practically impossible, owing to the topography of certain part of the town, to take and empty their drains by proceeding elsewhere than to the river called *Rivière du Loup*, may take and empty or order to take and empty the said drains in any place whatsoever in the said river, determined by the said engineer and approved of by the town council, and the Provincial Board of Health.

R. S., 4486,
replaced for
town.

176. Article 4486 of the Revised Statutes is replaced, for the town, by the following :

**Council may
levy special
tax for water-
works in cer-**

It shall be lawful for the said council, when the water-rates shall not be sufficient to pay the interest on the sums expended for establishing or building such water-works,

and for creating a sinking fund, to assess all taxable real estate in the town at an annual special tax, not exceeding three-fourths of a cent in the dollar, of the assessed value of such real estate; provided the said corporation shall be bound, on demand, to convey the water opposite any property on which there is a building, situated at a distance not exceeding two hundred feet from the point where water-pipes shall be laid down.

177. Article 4487 of the Revised Statutes is replaced, for the town, by the following :

It shall be lawful for the council, in addition to such annual special tax, to provide for the payment by all persons occupying houses or lodgings to which such council shall have conveyed or caused water to be conveyed, of a water-rate based on such tariff or scale as the council may deem expedient; provided always, that the council shall have the right to oblige every such person to pay such water-rate, whether they use the said water or not.

178. Article 4488 of the Revised Statutes is replaced, for the town, by the following :

Such compensation shall be claimed as soon as such council shall have notified such person by a verbal or written notice, given by the secretary-treasurer or by any police constable in the town, that it has conveyed, at the cost of the corporation, such water to such house occupied by such person, to a distance of at least ten feet within the line of the street, if the building erected on such property is at an equal or greater distance from the line of such street ; and it shall be lawful for such council to exact from the proprietor, tenant, subtenant, or occupant, the payment of such water-rate, in case a dwelling house or shop is occupied by several tenants, subtenants or occupants, who would be deprived of the use of the water from the water-works through the proprietor refusing or neglecting to give to each such tenant, subtenant or occupant a separate water-pipe.

179. The tenant, subtenant, or occupant, who shall be obliged by the council to pay such compensation, shall have the right to be reimbursed by the proprietor and to deduct for that purpose an amount equal to the water-rate by him so paid from and out of the rent that he may then or will hereafter owe such proprietor, as long as such tenant, subtenant or occupant, shall so occupy such property ; and it shall, moreover, be lawful for the said council to make special arrangements with interested parties, to supply the said water to any person without the limits of the town, provided such person shall conform himself to the by-laws

of the town concerning the management of the said water-works, and also to supply the said water for the use of steam or electric engines, breweries, distilleries, tanneries, abattoirs, factories, mills, livery-stables, hotels, or any other particular cases within or without the town.

R. S., 4490,
replaced for
town.
Levying of
water-rates.

180. Article 4490 of the Revised Statutes is replaced, for the town, by the following :

All annual special taxes or water-rates, which the council may impose and establish in virtue of the preceding articles shall be collected and levied under the same obligations and rules, and in the manner hereinafter prescribed for the collection of the general taxes of such town, observing however that for the payment of the water-rate such council can only call on persons using or who are supposed to use the water from the water-works, without prejudice to what is provided with respect to the collection of such water-rates, in the next preceding article, as to tenants, subtenants or occupants, deprived of the use of such water by the fact of the proprietor refusing or neglecting to give each of them a distinct and separate pipe.

R. S., 4494,
to 4496, re-
placed for
town.
Council may
stop and cut
off water sup-
ply in certain
cases.

181. Articles 4494, 4495 and 4496 of the Revised Statutes are replaced, for the town, by the following :

It shall be lawful for the said council to stop the water supply from a person refusing or neglecting to pay the said annual special tax, or the said water-rate for the use of the said water, and from any person allowing the said water to go to waste, or using the same contrary to the by-laws of the town, or refusing to admit, as hereinafter provided, within his house, or upon his property, the officers appointed by the council for the management and supervision of the said water-works, and such person shall remain nevertheless, responsible for the said arrears of taxes and water-rates and be bound to pay the same, and such person shall also be bound to pay any such annual tax and water-rates as aforesaid, becoming due thereafter, as if he had used the said water ; and the said council shall not be responsible for the quantity of water to be supplied, and no person shall, by reason of the quantity of the water, refuse to pay such annual special tax or such water-rate.

R. S., 4492,
replaced for
town.
Council may
compel prop-
rietors, &c.,
to allow
necessary
works to be
erected on

182. Article 4492 of the Revised Statutes is replaced, for the town, by the following :

The council may compel the proprietors or occupants of all lands or properties, within or without the town and the adjoining municipalities, to allow all works necessary for the construction, maintenance and repair of water-works and sewers to be done upon their properties, and it may

expropriate all properties required for such purposes, saving their property. compensation for actual damages thereby caused to such lands or properties ; and the council may appoint such officers as they shall think proper, for the management of such water-works, and such officers shall have the right to enter into any house or building whatsoever, or upon any property, within and without the town, with a view of ascertaining whether the public water is wasted or not, and whether the by-laws of the council relative to the water-works or sewers are duly put into operation ; and it shall be the duty of the 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 said water as long as such proprietor or occupant shall not allow or shall prevent such visit by the said officers, and further under a penalty not exceeding twenty dollars, and in default of payment imprisonment not exceeding one month.

Management
of water-
works.

183. Article 4471 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4471,
replaced for
town.

The council may also, from time to time, make, amend and repeal by-laws to provide for the lighting of the said town in such manner as shall be deemed proper, for protecting all pipes, lamps or other things necessary for such purpose, also for the establishment, maintenance and protection of one or more fire-alarm systems or telephones ; to compel all proprietors or occupants of any house, building or land within the town, to allow the laying of such necessary pipes, telegraph lines, electric and telephone wires, lamps and posts in such houses or on such lands, reserving actual damages, if any there be, and to punish any person breaking, destroying, disturbing or putting out, without authority, or attempting or aiding, advising or inciting any person whomsoever to break, destroy, disturb or put out the said pipes, telegraph lines, electric wires, posts or lamps.

Council may
make, &c.,
by-laws to
provide for
lighting for
town, fire
alarm tele-
graphs, &c.

184. Article 4497 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4497.
replaced for
town.

It shall be lawful for the council to transfer, by a by-law to that effect, its rights and powers,—including its right of expropriation in connection with the water supply and the establishment of water-works and sewerage, the supply of water and lighting of the town,—to any person or company who shall consent to take charge thereof ; provided that such person or company shall not exceed the rates to be levied upon the persons bound to take the said water, which the said town council shall fix by the same by-

Power by by-
law to trans-
fer rights
respecting
establishment
of water-
works,
sewerage,
and supply of
water and
lighting.
Proviso.

Approval of
by-law by
proprietors

law; and provided that such by-law shall be approved by a majority, in number and in value, of the proprietors of real estate subject to taxation who shall have voted.

Appointment
of commis-
sioners and
delegation of
powers.

185. For the works necessary to the system of water-works and sewerage, the town council shall have the right to appoint by resolution for the objects determined in a by-law for that purpose, one or more commissioners, to whom it may delegate the whole or a part of the powers which it may itself exercise.

Issue of de-
bentures for
certain pur-
poses auth-
orized.

186. For the execution of the works mentioned in sections 175 to 184, inclusively, it shall be lawful for the town to issue debentures, to an amount not exceeding one hundred and fifty thousand dollars, by complying with the provisions of sections 198 and following. In the sum of \$150,000 shall be comprised the sum of \$125,000, the loan of which was ordered by by-law, dated 11th May, 1902.

Approval of
electors of
by-law for
construc-
tion of water-
works, &c.

187. 1. Every by-law ordering the construction of one or more systems of water-works or sewers, or authorizing the use of the whole or any part of the streets for the operations of an electric tramway in the town, shall be approved by the electors in the manner prescribed by sections 200 to 204 inclusively of this act.

By-law of
11th August,
1902, respect-
ing water-
works and
drainage,
ratified.

2. The by-law passed by the council of the town of Fraserville on the 11th of August, 1902, for the purpose of providing for erecting and operating a system of water-works and drainage in the said town is hereby ratified and rendered valid, as well as each and every the provisions thereof.

2.—*Exemption from taxes and bonuses*

R. S., 4559,
replaced for
town.

188. Article 4559 of the Revised Statutes is replaced, for the town, by the following:

Council may
grant ex-
emptions
from taxation
to manu-
facturing
companies,
&c.

The council of the town may, by resolution, exempt from municipal taxes, for a period not exceeding twenty years, any person, firm or incorporated company carrying on any industry or manufacturing or industrial undertaking in the town, as well as the lands occupied for the purposes of such industrial or manufacturing undertaking, or agree with such person, firm, or company upon a sum of money to be paid annually, in commutation of all municipal taxes (including the business tax) in the town, and in either case for such period of time only, during which such industries shall be really in operation.

Such exemption or agreement shall not extend to work to be done on water-courses, sewers, line ditches, fences or main roads or sidewalks in connection with the taxable property so exempted or commuted. Exemption limited.

It shall, at all times, be lawful for the council of the town, for the purpose of encouraging any person, firm or incorporated company, who may have already or who may hereafter wish to establish any industry or manufacturing or industrial undertaking in the town, to give and grant, by by-law made and passed in the manner hereinafter prescribed, to any such person, firm, or company, on such conditions as it may think proper, as a premium or bonus, any sum of money which may be deemed necessary by the said council (such sum to be paid in money or in debentures). Council may grant bonus to manufacturing companies.

189. Article 4404 of the Revised Statutes is replaced, for the town, by the following : R. S., 4404, replaced for town.

The council may also aid in the construction of any bridge, causeway, pier, wharf, slide, macadamized or paved road, railroad, or other public work, situated in whole or in part within the town or in its vicinity, undertaken and built by any incorporated company, or by the Provincial Government : Council may aid construction of bridge, railway, &c.

1. By taking and subscribing for shares in any company formed for such purpose ;

2. By giving or lending money to such company or to the Provincial Government ;

3. By guaranteeing by endorsation or otherwise any sum of money borrowed by such company.

190. Article 4406 of the Revised Statutes is replaced, for the town, by the following : R. S., 4406, replaced for town.

All by-laws passed under the two preceding sections shall be submitted to the approval of the electors in the manner prescribed by sections 200 to 204 of this act inclusively. By-laws under sections 188 and 189 to be approved by electors.

3—*Guardians of the peace*

191. 1. It shall be lawful for the town, by resolution passed to that effect, to appoint, dismiss and replace, from time to time, when occasion shall require, a sufficient number of men to compose the police force of the town ; to establish one or more police stations and temporary lock-ups and acquire lands for such purpose. Council may equip and regulate police force.

2. Such men shall be sworn before any justice of the peace for the district of Kamouraska, to act as police officers in order to preserve peace within the town. Constables to be sworn.

To obey law-
ful orders of
council, &c.

3. The said police officers or constables shall obey all legitimate orders they may receive from the council, from any of its members individually, or from any justice of the peace of the district of Kamouraska.

Powers of
constables,
&c., within
the town.

4. All and every such police officers or constables shall be vested with all the necessary powers for the accomplishment of all duties imposed upon them; and it shall be lawful for them to arrest, on view and without a warrant, any person they may find breaking the public peace, or lying or loitering, either during the night or day-time, in any highway, field, yard, or other place, or lodging or sleeping in any barn, out-house or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk or causing tumult in the public roads, highways, or wharves or on any part of the beach of the river St. Lawrence within the limits of the town, by shouting, swearing or otherwise, and all persons contravening any federal or provincial law or any by-law of the town, and in like manner all persons advising, aiding or encouraging any person whomsoever to contravene any such federal or provincial law, or any such by-law of the said town; and it shall be lawful for the said police officers or constables to arrest, on view and without a warrant, any such persons immediately or after the commission of the offence, on good and sufficient information being given as to the nature of the offence.

Idem outside
town.

5. They shall have also power and authority to arrest, even without the limits of the said town, all persons who shall have contravened any federal or provincial law, or any by-law of the town, or shall have advised, aided or encouraged any person whomsoever to contravene any such federal or provincial law or any such by-law.

Power of
constables to
serve writs of
summons,
&c., in
certain cases.

6. They shall have power and authority to serve all writs of summons and subpoenas and execute all warrants and other proceedings for the arrest and confinement in gaol of all persons accused or detained for subsequent examination or for trial, or arrested in virtue of a warrant of arrest for the commission of any criminal offence, or the violation of any federal or provincial law or any by-law of the town.

Power of
constables to
enter houses,
&c., for cer-
tain pur-
poses;

7. It shall be lawful for any police officer or constable of the town to enter every house, store, grocery store, shop, inn or other suspicious house, and to enter every yard or other place within the limits of the town, in which any person may be reasonably suspected to be for evil motives; and if any such person be found in such places, the said police officers or constables shall arrest, on view and without a warrant, and shall keep in custody any such person.

8. They shall have also power and authority to enter every inn and hotel, and into every shop licensed for the sale of spirituous, vinous or fermented liquors, or place of public entertainment, to ascertain if the laws regulating such houses, or the by-laws which the council may pass respecting the same, be faithfully observed, and to arrest, on view and without a warrant, all persons whom they may find in such houses contravening any such laws or by-laws.

To enter inns, &c. ;

9. It shall be lawful for the said police officers or constables, at any time, to enter every store-house, shop or other houses not licensed for the sale of spirituous, vinous or fermented liquors, wherein they shall suspect such liquors are sold, and to lay an information with the collector of provincial revenue or with the municipal authorities against every person contravening the laws prohibiting the sale of spirituous, vinous or fermented liquors without license.

To enter un-licensed liquor shops, &c.

10. All such persons, so summarily arrested, shall be immediately conveyed to the gaol of the district of Kamouraska, there to be safely kept and detained in the custody of the gaoler, until they may be taken before the mayor, or a justice of the peace; but such persons so arrested may give bail or a sufficient recognizance for their appearance, to be taken or received by the said mayor or justice of the peace, and shall appear, on the day appointed, before the said mayor or justice of the peace.

Proceedings upon arrest of offenders.

11. The constables or police officers shall have power and authority to serve all special notices and to publish all public notices, in accordance with the various provisions of this act, and they shall certify to the correctness thereof under their oath of office, without being obliged to take a special oath to that effect.

Constables may serve special notices.

192. The council shall have the right, in default or through negligence of any person, firm or company complying with the orders to which he or it may be subject, after a notice to that effect shall have been given to the said interested parties, to do and perform the acts prescribed by the said orders at the expense of the town, saving its recourse against the persons liable therefor without incurring any responsibility whatsoever by reason of such acts.

Council may preform acts ordered in default of their preformance by persons notified.

Recourse of town in such case.

4.—*Expropriations*

193. Article 4561 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4561, replaced for town.

The council may, by complying with the following provisions, appropriate any land, buildings and structures in the town, required for the execution of works ordered by it, within the scope of its jurisdiction.

Council may expropriate land, &c., for certain purposes.

Application
of R.S., 4565.

194. Article 4565 of the Revised Statutes shall also apply in cases where the land to be expropriated is affected by a substitution.

R. S., 4566,
replaced for
town.

195. Article 4566 of the Revised Statutes is replaced, for the town, by the following :

Proceedings
by arbit-
rators.

The arbitrators shall proceed at the time and place fixed by them, and of which they shall have given at least ten days special notice to the parties interested.

Award of
arbitrators.

The arbitrators, after having examined and valued the land, buildings or structures and heard the parties and their witnesses, under oath administered by one of them, shall give their award by means of a certificate signed by them or by the majority of them, and they shall file it in the office of the council.

Award final.

Such award shall be final and without appeal.

5.—*Loans*

R. S., 4523
and 4524, re-
placed for
town

196. Articles 4523 and 4524 of the Revised Statutes are replaced, for the town, by the following :

Council may
borrow
money for
certain pur-
poses.

It shall be lawful for the council, from time to time, to borrow divers sums of money for effecting improvements in the town, or for the purpose of building one or more market-houses, a town-hall, and other public buildings, or for draining the streets, or for constructing one or more aqueducts, one or more systems of sewerage, and for lighting the town, and, finally, for such purposes, within the limits of its powers, as the council shall deem useful or necessary; provided that, whenever the council shall contract a loan, it shall at once take steps to provide, out of the revenues of the town, for the payment of the yearly interest and equal annual instalments of the principal of the debt on the annuity plan. Nevertheless, the total amount of the debts, with which the revenue arising from the taxes shall be charged, shall not exceed the sum of two hundred thousand dollars, in addition to the amount authorized by section 186, and including the present debt.

Provision to
be made for
payment of
interest.

Limitation of
amount to be
borrowed.

R. S., 4525,
replaced for
town.

197. Article 4525 of the Revised Statutes is replaced, for the town, by the following :

Investment
of sinking
fund.

Every sinking fund shall be invested in public securities of the Dominion or of the Province or employed in the redemption of bonds issued by the corporation or be deposited in an incorporated bank.

Sinking fund
may be paid
to lenders.

The council may also, in all such cases, if the lenders consent thereto or exact it, deposit in their hands the sums intended for the establishment of the sinking fund. In such

case, the receipts given to the council shall be made out in such manner as to show what amount shall have been paid for interest and what amount for the sinking fund.

In interpreting this act, holders of bonds or debentures shall be considered as lenders. Interpretation.

198. Article 4526 of the Revised Statutes is replaced, R. S., 4526, replaced for town.
for the town, by the following :

The council may contract its loans by an issue of bonds or debentures, under the signature of the mayor and countersigned by the secretary-treasurer, and bearing the seal of the corporation. Council may contract loan by issuing debentures.

Such debentures may be made payable to bearer, at the period fixed by the council, with interest payable on the first days of May and November in each year, at any rate of interest not exceeding the legal rate. Interest on debentures when payable and rate thereof, &c.

199. Article 4527 of the Revised Statutes is replaced, R. S., 4527, replaced for town.
for the town, by the following :

Coupons to the amount of the half-yearly interest, signed by the mayor and countersigned by the secretary-treasurer, and payable to bearer, at the period when the interest specified therein shall fall due, may be annexed to each debenture. Coupons to be attached thereto and contents thereof.

At the time of payment, the coupons shall be handed to the secretary-treasurer ; and the possession by such officer of any coupon, shall be *prima facie* evidence that the half yearly interest specified therein has been paid. Coupons to be delivered up when paid.

200. Articles 4529 and 4530 of the Revised Statutes are replaced, for the town, by the following : R. S., 4529 and 4530, replaced for town.

The loans made by the town, by the issue of debentures or otherwise, shall only be effected under a by-law of the council to that effect, approved by the majority in number and in value of the electors who are proprietors in the town, who shall have voted. There shall be imposed, by every by-law authorizing a loan under this section, a special annual tax sufficient to pay the interest for each year and at least one per cent. per annum to create a sinking fund. By-laws for loans to be approved by certain municipal electors. Annual tax to be thereby imposed.

201. Articles 4531 and 4532 of the Revised Statutes are replaced, for the town, by the following : R. S., 4531 and 4532, replaced for town.

Every by-law authorizing a loan or pecuniary aid or bonus, except in the cases provided by articles 166 and 167 which shall not exceed \$1,000, shall be submitted for the approval of the said electors, within thirty days after the council has passed the same. When by-law to be submitted.

Meeting for
such purpose
and notice.

Contents of
notice.

Mayor to pre-
side, &c.

Secretary of
meeting.

For such purpose, a public meeting of all municipal electors, who are proprietors of immoveables in the town, shall be convened by a public notice, signed by the mayor, for a future day fixed by the council. Such public notice shall specify the object of the meeting and shall indicate the day, hour and place at which it shall be held. Such meeting shall be presided over by the mayor or, if the mayor be absent, by the pro-mayor or by a person present at the meeting elected by the majority of the municipal electors present who are real estate owners. The secretary-treasurer shall act as secretary.

R. S., 4533,
replaced for
town.

By-law to be
read when
meeting is
opened.

Poll may be
demanded.

202. Article 4533 of the Revised Statutes is replaced, for the town, by the following :

When the meeting is opened, the president shall read the by-law or cause it to be read by the secretary-treasurer.

Six municipal electors, qualified to vote on such by-law, and present at the meeting, may require the holding of a poll for ascertaining whether such majority exists, and, on such demand, the mayor, or in his absence the presiding councillor or the pro-mayor, shall grant a poll which shall be held within the four days immediately following the meeting, the secretary-treasurer acting as poll-clerk under the supervision of the mayor, the presiding councillor or pro-mayor as the case may be ; but if, within one hour from the opening of the meeting, a poll be not demanded by six qualified electors, the presiding officer shall declare the by-law approved.

If poll grant-
ed when held.

If a poll be granted it shall be held during two consecutive juridical days, from ten in the forenoon to five in the afternoon, subject, however, to the application of section 50 of this act.

R. S., 4535,
replaced for
town.

Qualification
required to
vote.

203. Article 4535 of the Revised Statutes is replaced, for the town, by the following :

No person shall be admitted to vote unless his name is entered on the valuation roll in force and unless he is a municipal elector and a proprietor, save as provided in section 22. It shall not be necessary that municipal electors have paid their municipal and school taxes before voting.

R. S., 4536,
replaced for
town.

Mayor's duty
at close of
poll and cer-
tificate to be
given.

204. Article 4536 of the Revised Statutes is replaced, for the town, by the following :

At the close of the poll, the mayor or other presiding officer shall count the "yeas" and the "nays" ; and, within the four days following, he shall lay before the council the result of the voting, together with a statement showing the value of the taxable real estate of each of the voters, according to the valuation roll in force.

Such statement shall be certified by the signature of the mayor or of the person presiding and of the secretary-treasurer for the information of the council.

It shall be further certified in such statement, whether the majority in number and value of the proprietors of taxable real estate, who have voted at the poll, approve or disapprove such by-law.

If the council desire to examine the poll-books, they shall be forthwith laid before it.

In the case of an equal division of votes, the mayor or other presiding officer shall give his casting vote.

The poll-books, together with the statement and certificate produced, shall be deposited in the archives of the council.

If the mayor or presiding officer has to give his casting vote, a new certificate shall then be given, showing the final result of the poll.

205. Notwithstanding the provisions of the preceding sections, the council, pending the collection in full of the yearly taxes, may, by a simple resolution to that effect, contract, from time to time, temporary loans, by means of promissory notes or notarial obligations for an amount not exceeding in any one year one half of the revenue derived from the taxes of each such year.

Council may borrow certain amounts on simple resolution.

V.—VALUATION ROLL

206. Articles 4498 and 4499 of the Revised Statutes are replaced, for the town, by the following :

R. S., 4498 and 4499, replaced for town.

The council shall appoint, every year during the month of April, three assessors or valuers, whom it may replace when needed ; and it shall be the duty of the assessors to make, between the fifteenth day of May and the twenty-fifth day of June, in each year, and in the manner prescribed by the council, the valuation of the taxable and non-taxable stocks-in-trade and real estate in the town, distinctly as to each category, according to the real value thereof, and it shall be their duty to enter on the said roll the names of all persons, bodies politic, firms or companies subject to the payment of taxes and to report upon everything subject to taxation. They shall further enter on the said roll all other information required by the council.

Assessors to be annually appointed. Their duties.

207. Article 4503 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4503, replaced for town.

In the valuation roll the assessors shall specify the name surname, profession or occupation of all proprietors, tenants, and occupants of real estate and other taxable property and the actual and annual value, the rent or annual value of each

Contents of valuation roll.

and every tenement, house, immoveable or portion of immoveable occupied by a tenant. They shall designate the houses or tenements by the number they bear. If the owner of an immoveable be unknown the word "unknown" shall be entered in place of the owner's name. It shall also be the duty of the assessors to enter in the roll, in special columns, the age of every rate-payer or head of a family, occupying a house or tenement, the number of persons composing each family, and to mention such infirmities or disabilities as might exempt any person from serving as a juror. All such special information shall be obtained with the greatest possible care.

Information
to be given.

All those who have in their service any clerks, workmen or other employees shall inform the assessors respecting the wages paid or payable to such employees.

R. S., 4500,
replaced for
town.

208. Article 4500 of the Revised Statutes is replaced, for the town, by the following :

Property
exempt from
taxation.

The following property shall be exempt from taxation in the town :

1. All lands and property belonging to His Majesty or his successors, held by any public body or officer or person for the service of His Majesty and his successors ;

2. All properties and buildings belonging to the Federal or Provincial Governments ;

3. All places devoted to public worship, parsonages and their dependencies, burial grounds, and all property belonging to *fabriques*, or to religious, charitable or educational institutions or corporations or occupied by such *fabriques*, institutions or corporations for the ends for which they were established, and not possessed solely by them to derive a revenue therefrom.

Proprietors
exempt under
section 208,
liable for cer-
tain taxes.

209. The proprietors of the property, mentioned in the preceding section, shall, nevertheless, be bound to pay for the making and maintenance of roads, streets, water-courses, sewers, and ditches, in conformity with the by-laws of the council, and such proprietors shall also be bound to pay any special tax for that purpose and the compensation for the use of water as may be imposed by the council.

Penalty on
proprietor
granting
receipt for
less amount
of rent than
that actually
paid.

210. After the passing of the present act, any proprietor or agent who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the town such a receipt or certificate, falsely representing the value of the rent

paid by such tenant, in order to procure a diminution or abatement of his assessment, and every person who shall, directly or indirectly, deceive such assessors as to the value of his rent, occupation, employment, or quality or the number of taxable effects, shall be condemned, on conviction thereof, before the mayor or a justice of the peace, to a fine not exceeding twenty dollars, with costs, and in default of payment to imprisonment not exceeding one calendar month.

211. Article 4504 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4504,
replaced for
town.

The valuation roll shall be drawn up and signed by the three assessors, who shall all work at the same, and be signed by the secretary-treasurer or other person employed by them as clerk.

Valuation
roll by whom
drawn up and
signed.

212. Before finishing and signing the valuation roll drawn up by them, the assessors shall fix a day on which any person deeming himself aggrieved by such roll shall be allowed to give the assessors any explanations calculated to establish the true value of the property estimated.

Day to be
fixed by
assessors for
persons
aggrieved to
appear.

Public notice of the day, hour and place where such sitting shall be held shall be given by the secretary-treasurer.

Notice to be
given.

213. The three assessors present, after having summarily heard the complaints, shall maintain or amend the valuation by them made as they may deem proper.

Amendment
of valuation
roll, &c.

They may administer the oath to any person asking to have his valuation changed or amended.

Oath may be
administered
to parties.

214. Articles 4505 to 4510, inclusively, of the Revised Statutes are replaced, for the town, by the following :

R. S., 4505 to
4510, re-
placed for
town.

1. When the assessors shall have made, completed and signed the valuation roll, they shall deposit the same with the secretary-treasurer, and public notice of such deposit shall be given within the two juridical days next following by the secretary-treasurer; such notice shall further state that the valuation roll shall remain, during the period of thirty days, from the date of the deposit thereof, open for inspection.

Deposit of
valuation roll
and notice
thereof.

2. During that period, any rate-payer may give notice in writing to the secretary-treasurer of his intention to appeal to the council, complaining of any such valuation roll, which notice shall state clearly the subject of such complaint; the council shall proceed in the following manner to homologate such roll, and to the hearing of complaints made in relation thereto.

Complaint to
council
respecting
roll.

Complaints
when heard.

3. At its first general session after the thirty days above mentioned, the council shall hear the complaints relating to such roll.

Special notice
in certain
cases.

If, from the nature of such complaints, or any of them, the council deems it necessary that special notices be given to the persons to whom such complaints relate, such council shall adjourn its proceedings for a period not exceeding twelve days, and shall direct its secretary-treasurer to give each person whom it shall designate a special notice, informing him of the existence and of the nature of the complaint filed against him, or in his favor, relating to such valuation roll, and the place, day and hour when such council shall commence the examination and revision of such roll.

Homologation
of roll.

4. The council, after having heard the parties and their witnesses under oath, which shall be administered by the mayor, pro-mayor or presiding councillor, shall confirm or modify the valuation roll, as to it shall seem just.

Assessors
may be
heard.

5. The assessors shall have notice of such revision, and shall have the right to be heard, if they so desire.

Revision and
homologation
of roll if no
complaints
are made.

6. The council shall, in any case, proceed to the revision, amendment, if such be required, and homologation of the valuation roll, whether the same be demanded or not, at its said general session next following the expiration of the thirty days above mentioned, or at an adjourned meeting of the said session, and they shall have the right to rectify all errors in the wording of the roll.

Roll closed
after homologation-

7. When the council shall have so revised the roll, it shall be declared closed for the current year ; provided that, if any omission shall have been made in the valuation roll, the council may, at any time, order the assessors to value any property so omitted, and add it to the roll.

Proviso as to
property
omitted.
Notice to
party in-
terested in
application
to add prop-
erty to roll.

In such case, such addition shall not be made, until after a special notice of eight days shall be given of such addition to the proprietor, who may, within such delay, file his complaint against the valuation and be heard by the council on the day fixed in the notice.

Proviso as to
diminution
in value of
property
after roll
closed.

215. After the rolls are declared closed as aforesaid, if any property in the town should be decreased considerably in value, owing to fire, demolishing, accident or any other reasonable cause, it shall be lawful for the council, on petition of the proprietor, to reduce the valuation of such property to its actual value.

R. S., 4511.
replaced for

216. Article 4511 of the Revised Statutes is replaced, for the town, by the following :

Roll may be
completed

The default on the part of the assessors or of the council to act within the time prescribed, shall not have the effect

of preventing the completion or homologation of the roll, beyond the time prescribed.

and homologated after proper time.

217. Article 4513 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4513, replaced for town.

Whenever the valuation roll shall have been set aside under sections 113 and 114 of this act or article 4389 of the Revised Statutes, the former roll shall revive and avail until a new valuation roll comes into force.

Old roll replaces new roll set aside.

218. Within the ten days following the final revision and homologation of the valuation roll, any person, who has made a written complaint and who considers himself aggrieved by the council's decision, may appeal from such decision to the Superior Court sitting in the district of Kamouraska, or a judge of such court; and such judge or court, as the case may be, shall hear the parties and their witnesses, and the assessors if they wish to be heard, and may confirm or alter the valuation complained of, as shall be deemed proper, with or without costs, which shall be taxed as in cases of the lowest class in the Superior Court.

Appeal to Superior Court from council's decision respecting roll.

The formalities required and the rules prescribed by this act as to the proceedings to annul by-laws shall be observed in appeals in virtue of this section in so far as they apply.

Procedure to be adopted.

All such portions of the valuation roll as are not appealed from shall not be affected by such appeal; and the secretary-treasurer, in making out the collection roll, shall include the property concerning which appeals have been taken, but he shall not exact the payment of the tax or assessment upon such property before the decision of the judge has been given, and when any change has been made by the judge, the secretary-treasurer shall amend the valuation roll and the collection rolls in accordance with such judgment.

Appeal affects only part of roll appealed from, &c.

219. Articles 4515 to 4522, inclusively, of the Revised Statutes shall not apply to the town.

R. S., 4515 to 4522, not to apply to town.

VI.—TAXATION

220. Article 4538 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4538, replaced for town.

In order to raise the necessary funds to meet the expenses of the council, and to provide for the several necessary public improvements in the town, and enable it to meet its obligations and undertakings, and provide for the expenditure and debts it may incur and may have incurred under the powers conferred on it by this act, the said town council shall be authorized to levy annually, on persons and on

Council may levy taxes for certain purposes upon :

moveable and immoveable property in the town, the taxes hereinafter designated, that is to say :

- | | |
|---|---|
| Immoveable property ; | 1. On all lands, town lots or parts of town lots, with all buildings and erections thereon, a sum not exceeding one cent in the dollar on the real value, as entered on the valuation roll of the town ; |
| Stocks-in-trade ; | 2. On all stocks-in-trade or goods kept by merchants or traders, and exposed for sale on shelves, in shops, in yards, or kept in vaults or store-houses, a tax not exceeding one per cent. on the estimated value of such stock-in-trade or goods ; |
| Tenants ; | 3. On each tenant paying rent in the town, an annual sum not exceeding five cents in the dollar on the amount of his rent, and on each occupant or tenant farmer a sum not exceeding ten cents in the dollar on the annual value of his occupation ; |
| Male inhabitants ; | 4. On every male inhabitant, other than ministers of religion, ecclesiastics and students, of twenty-one years and over, residing in the town for six months or more, who is neither proprietor, tenant, apprentice nor servant, a sum not exceeding two dollars. This tax shall be called the poll-tax ; |
| Poll-tax ; | |
| Horses, &c. ; | 5. On every horse, mule, or ass, over three years of age, a yearly tax not exceeding one dollar ; |
| Gigs, &c. ; | 6. On every gig or light waggon drawn by two horses, a yearly tax not exceeding two dollars ; |
| Light waggons, &c. | 7. On every gig or light waggon drawn by one horse, a yearly tax not exceeding one dollar. |
| Council may require poles, &c., erected in the town to be painted, &c. | 8. The council is authorized to adopt, by by-law, such means as it may deem expedient to compel incorporated companies which erect poles in the town limits, or which are owners or in possession of poles erected in the town or who have the use or make use of poles erected in the town, to paint the same and to place certain marks thereon to show which company has the use thereof, and to suppress poles which are not according to the conditions required by such by-law. |
| * May also levy tax for each pole, payable by owners and users thereof. | The council may also make by-laws to compel every incorporated company to pay to the town an annual special tax not exceeding twenty-five cents for each pole of which it has the use, makes use of, or controls in the streets or public places in the town, for a telegraph, telephone or electric light line or for the transmission of electric power or intended for its use. |

Taxation of persons oc-

221. If any person, firm, company, or corporation other than the proprietor, occupies a property or any part

of any property other than the presbytery or parsonage, educational establishment or hospital exempt from taxation, the corporation may, in its discretion, impose upon such person, firm, company or corporation an amount of assessment and taxes equal to one half of that which the corporation could impose on such property or such part of a property if it were liable to taxation; and, in the latter case, the assessors shall enter the value of such part of a property on the roll serving as a basis for imposing of taxes.

222. 1. It shall be also lawful for the council to fix, by a by-law or by-laws, and to impose and levy certain annual taxes, licenses or specific duties on proprietors or occupants of houses of public entertainment, private boarding-houses, taverns, coffee-houses, and eating-houses; on all retailers of spirituous, vinous and fermented liquors, or to impose a duty or tax upon their certificates of electors respectively, when approved by the council, for the granting of their license; on all proprietors, possessors, agents, managers and keepers of theatres, circuses, billiard-rooms, ten-pin alleys, or other places for games or amusements of any kind whatsoever; on all auctioneers, grocers, hawkers, hucksters, brewers, and distillers or bottlers; on all traders and manufacturers, and their agents; on all proprietors or keepers of wood-yards, or coal-yards, and slaughter-houses; on all money-changers or exchange brokers, pawn-brokers, and their agents; on all bankers and banks, and all agents of bankers, or brokers; on all insurance companies, their agents, their managers, factors or employees; on all telegraph, telephone or light companies, and their agents or operators, not exceeding forty dollars; on all manufacturers of wines or liquors, ginger beer, spruce beer and root beer and the agents and agencies of each of them; on all brick manufacturers, lumber dealers, owners or occupants of mills, driven by water power, steam or electricity, and of tanneries; on all public scales; on all bailiffs and apothecaries residing in the town, and upon all commerce, manufactures, callings, arts, trades and professions carried on in the town, whether they be or be not mentioned in this act, and on all persons by whom they may be exercised or carried on in the town, either on their own account or as agents for others, and upon the premises in which they are or may be exercised or carried on,—which taxes, licenses or specific duties shall be paid before exercising any such art, trade, business or profession.

2. The council may also impose a temporary tax, not exceeding fifty dollars, upon all business, factories, occupations, arts, trades and professions, whether mentioned or not in this act, carried on by any persons coming to reside in the

cupying certain property which is not liable to taxation.

Council may levy taxes upon certain occupations and industries.

Temporary tax on business commenced after close of roll.

town after the close of the roll, the said tax to take place of the assessment for such person until the preparation of the new roll.

Licenses may be required from certain parties.

223. The council may, by by-law, compel every seller or retailer of tobacco, cigars and pipes, who does not keep a grocery store or hotel, and every butcher, baker, carter, common carrier, livery stable keeper, and person hiring out bicycles and automobiles, residing in the town, to take out a license for plying his trade, before commencing to ply the same, and exact for the granting of such license a sum not exceeding twenty-five dollars for each such seller or retailer of tobacco, cigars and pipes, and not exceeding fifty dollars for every butcher or baker, and a sum not exceeding five dollars per horse and five dollars per vehicle for every carter, common carrier, livery stable keeper or person hiring out bicycles. Every license shall be for one year only and shall expire in all cases on the thirtieth of April following its issue.

Fee on license.

Duration of license.

Additional price of license for non-residents. Proviso.

The council may nevertheless exact, for each such license, a greater amount from persons not residing at least three months within the limits of the town, provided such amount does not exceed fifty dollars for every seller or retailer of tobacco, cigars and pipes,—seventy-five dollars for every butcher or baker, nor—ten dollars for each horse and ten dollars for each vehicle for every carter, common carrier, or livery stable keeper.

Council may impose licenses upon : Omnibus proprietors ; Bicycle, &c., owners ;

224. The council may also, by by-law, impose :

1. A license not exceeding ten dollars upon every omnibus, exigible from every proprietor thereof ;
2. A license not exceeding two dollars exigible from every owner of a bicycle or automobile, except persons who sell or hire out bicycles or automobiles ;
3. A license not exceeding one dollar for every dog, and ten dollars for every bitch.

Owners of dogs, &c.

Licenses yearly and payable in advance, &c.

225. Such licenses shall be yearly and payable in advance, and any person in possession of any of the animals or articles above enumerated shall be deemed the owner thereof.

License and medal.

226. A license and a numbered medal shall be handed to each proprietor on the granting of such license.

Seizure, &c., of bicycles, &c.

227. Every bicycle, dog or bitch found at any time whatever within the limits of the town without such medal shall be seized and confiscated by any officer of the corporation and placed in the pound.

228. If an animal or article be not claimed within the delay of two days after the posting up by the secretary-treasurer of a notice on the doors of the town hall and in the two post-offices, and if the specific duties and costs be not paid within the same delay, the said article may be sold by the corporation bailiff by auction or such animal may be summarily destroyed.

Sale of article, &c, seized after certain time, &c.

229. Every sale under this act may be made by the bailiff or by another officer of the council without its being necessary to employ an auctioneer for the purpose.

Who may sell.

230. Whosoever shall be found in possession of any such article or animal not bearing such number and not provided with the license required each year for keeping such article or animal mentioned in sections 224 and 227, shall be liable to a fine not exceeding ten dollars and costs for each offence.

Penalty for having articles, &c, not licensed.

231. No license shall be granted for a dog known to be vicious.

Vicious dogs.

232. Persons possessing such article or animal, who are merely visiting the town or spending the summer therein, shall not be subject to the obligation of taking out such license.

Certain persons not obliged to take licenses.

233. The council shall also have power to make by-laws to compel every insurance agent, every agent of any loan or investment company, not having its head office in the town, every commission merchant, peddler or transient merchant selling by public auction or private sale, every trader, manufacturer and their agents, every auctioneer, livery stable keeper, carter, butcher or baker, residing outside the town, who shall come therein to ply their trade, art or business, to take a license, and to exact for the granting of such license a sum not exceeding one hundred dollars, and a sum not exceeding one hundred and fifty dollars for every owner, manager or agent of any theatre, circus or games or amusements also residing outside the town, and, in default of taking out such license, each of such persons shall be liable to a fine not exceeding one hundred dollars, and in default of payment of such fine and costs, to imprisonment for a period not exceeding two months.

Certain traders may be required to take out license.

Price of license.

Penalty for not taking out license.

Such licenses, signed by the secretary-treasurer, shall give the holder thereof the right to ply his trade, occupation or business for one year, counting from the first of May each year, or, if the year has begun, to the thirtieth of April then next.

Effect of license.

License fee to be paid on disposing of bankrupt stock by transient traders.

234. If any person or persons should come temporarily into the town to carry on therein any business, trade or occupation or to dispose wholly or in part of bankrupt or other stocks of merchandize, articles or effects, either by public auction or by private sale, the council may, by resolution passed as soon as convenient, levy upon such person or persons a license fee of not less than ten dollars and not more than one hundred dollars for the sale of such merchandize so brought into and exposed for sale in the town.

Certain professions, &c., to be taxed.

235. Every person in the town, practising the profession of advocate, physician, dentist, civil engineer, land-surveyor, notary, or any other liberal profession, or acting as a civil officer appointed by the Provincial or Federal Government, or as prothonotary of the Superior Court, or as clerk of the Circuit Court, or sheriff, and every person employed in the service of the Provincial or Federal Government or in the service of another, and whose salary is five hundred dollars or over, shall, for the same purposes, be assessed, for every such profession or employment, at a sum not exceeding five dollars annually. The council may order the assessors to make the roll of the persons, industries, companies, employments, capacity and moveable property mentioned in the different parts of this section.

Duty of assessors respecting preparation of roll under this section.

Transfer of licenses.

236. No license shall be transferred without the approbation of the council.

VII—COLLECTION OF TAXES

Revenues of council.

237. The revenues of the council shall be those which it may establish for its own purposes, by means of the taxes, licenses and specific duties which this act authorizes it to levy.

Recovery of cost of license from peddlers, &c., by distress.

238. Whenever a tax or license duty is due by a peddler, transient trader, circus proprietor or any other person temporarily plying his occupation, business, art, trade or industry in the limits of the town, if such tax be not paid, or if such license be not taken out, the amount thereof shall be demanded by the secretary-treasurer or other municipal officer, and, if not paid on demand, may be recovered with costs upon all the goods and chattels of such person in the town, in the manner prescribed in section 247 of this act.

Tax upon partnerships how recoverable.

When a tax is imposed on the members of a firm, company or partnership of merchants by reason of the business of such firm, it may be claimed and recovered wholly, either from one of the persons or from the firm or from the partnership itself.

239. Every person who, during the fiscal year shall carry Taxes pay-
on any kind of business or occupation rendering him liable to able for full
the tax or specific duty, shall be bound to pay the full amount year.
of such tax or specific duty, whatever may be the time of the Exception.
year at which the same might become due, unless the council
remits him any portion of such tax or specific duty on
account of the short period of time remaining to the end of
the current year.

240. Article 4539 of the Revised Statutes is replaced, for R. S., 4539,
the town, by the following : replaced for
town.

All sums of money not specially appropriated shall form General funds
part of the general funds of the corporation. of town.

Whenever any sum levied shall exceed in amount the Employment
sum required by the council to meet the liabilities for which of surplus
such sum was raised, the surplus shall belong to the funds.
corporation and fall into the general funds thereof.

241. All goods subject to execution may be seized and What goods
distress levied thereon for the taxes or dues whatever pay- may be
able to the municipality. seized, &c.,
for taxes.

242. Article 4542 of the Revised Statutes is replaced, for R. S., 4542,
the town, by the following : replaced for
town.

Taxes shall bear interest, at the rate of six per cent. per Interest pay-
annum, from the expiration of the delay during which they able upon
ought to be paid, without its being necessary for such pur- taxes.
pose that a special demand of payment be made.

243. The council may, in its discretion, grant by by-law Discount may
such rate of discount, not exceeding six per cent. upon all be allowed if
assessments, taxes and water-rates, paid within the delay taxes paid
fixed by section 246 after the completion of the assessment within cer-
rolls, in each year, as the council shall specify and deter- tain time.
mine in such by-law.

244. Article 4547 of the Revised Statutes is replaced, for R. S., 4547,
the town, by the following : replaced for
town.

It shall be the duty of the secretary-treasurer to make a Preparation
general collection roll, each year, at the time fixed by the of general
council, including all taxes both general and special, then collection
imposed under this act. roll.

He shall also make a special collection roll, whenever any Special col-
special tax has been imposed after the making of the gen- lection roll.
eral collection roll, or whenever he is ordered so to do by
the council.

Arrears how
entered in
roll.

There shall be entered and mentioned in a column specially devoted to that purpose and designated under the head of "arrears," in the collection roll for general taxes, all the arrears of general taxes and also all other taxes which, according to the collection roll of the said taxes for the previous year, appear not to be paid on or before the thirtieth of the month of June previous.

Other debts
due corpora-
tion how
entered in
roll.

He shall enter and mention in the same roll, in a separate column under the head of "sundry items," all debts due by any person whomsoever for costs of maintaining sidewalks and streets, or for any other thing whatsoever.

Entries in
roll respect-
ing water-
taxes and
rates.

The secretary-treasurer shall enter and mention, in the collection roll for special taxes and compensation for the supply of water in two columns, respectively headed "arrears of taxes" and "arrears of water-rates," all arrears of taxes and water-rates, all special taxes, and all compensation for water-rates, which shall appear by the collection roll for the special taxes and water-rates for the supply of water, to be unpaid, on or before the thirtieth day of the month of June previous.

How entries
are made.

The secretary-treasurer shall enter these various amounts opposite the name of the person who shall owe them.

Execution to
issue if taxes
are not paid
within cer-
tain time.

245. If, after the fifteen days next following the demand, made in virtue of article 4550 of the Revised Statutes, the sums due by the persons entered on the collection roll have not been paid, the secretary-treasurer may levy them together with costs, by seizure in execution or seizure by garnishment and sale of the goods and chattels of such persons wherever they may be found within the limits of the town.

R. S., 4549,
replaced for
town.

246. Article 4549 of the Revised Statutes is replaced, for the town, by the following :

Notice of
completion
and deposit
of roll.

The secretary-treasurer, after having completed the collection roll, shall give public notice, in which he shall announce that the general collection roll, or the special roll, as the case may be, has been completed and is deposited in his office, and shall require all persons liable for the payment of the sums therein mentioned, to pay the same at his office, within the twenty days following the publication of such notice ; and within such interval of twenty days he shall deliver or cause to be delivered by his assistant or by any bailiff at the domicile or office of the rate-payers a detailed statement of the general and special taxes or arrears whatsoever due by them.

Statement
of amounts
due to be de-
livered to
parties liable.

247. Article 4552 of Revised Statutes is replaced, for the town, by the following :

R. S., 4552,
replaced for
town.

Such seizure and sale shall be made under a warrant signed by the mayor addressed to a bailiff, and executed by that officer, under his oath of office, according to the same rules and under the same responsibilities and penalties as a writ of execution *de bonis* issued by the Circuit Court, or a writ of attachment, which shall be returned unless previously satisfied in full, in the office of the Circuit Court, in order that further proceedings may be had thereon according to law under the provisions of the summary proceedings between lessors and lessees.

Seizure and
sale how
effected.

The mayor, in giving and signing such warrant, shall not incur any personal responsibility ; he shall act under the responsibility of the corporation.

Mayor not
personally
responsible
for signing
warrants.

248. In the event, at any time after the imposition of any of the general or special taxes aforesaid, of any tenant or occupant leaving the town without paying the taxes due by him, or refusing, making default or neglecting to take out the license to which he is liable, or making default to pay the cost thereof on demand, any bailiff or any constable of the police force of the town, upon a written order to that effect from the mayor, or the secretary-treasurer, under the seal of the corporation, shall be authorized and obliged to detain and seize by simple attachment or attachment by garnishment as aforesaid the moveable effects of such tenant or occupant, wherever they may be found within the limits of the town, and to detain them until the tenant or occupant shall have paid to the proper person the amount due by him for taxes, specific duties or licenses and water-rates, in accordance with the provisions of this act, or until proceedings have been taken to have the said effects sold for the recovery of such taxes, specific duties or licenses and water-rates, in accordance with the provisions of this act.

Seizure and
sale of effects
of persons
liable for
taxes and re-
moving from
town.

249. Article 4554 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4554,
replaced for
town.

The sale of the effects seized under the preceding sections shall not be stopped, except on an order of a judge of the Superior Court, made on petition presented either in chambers or to the Circuit or Superior Court of Kamouraska.

Seizure and
sale how
stayed.

250. Article 4555 of the Revised Statutes is replaced, for the town, by the following :

R.S., 4555,
replaced for
town.

All arrears of municipal taxes are prescribed by five years.

Prescription
of taxes.

R. S., 4556,
replaced for
town.

251. Article 4556 of the Revised Statutes is replaced, for the town, by the following :

Suits for
taxes.

The payment of municipal taxes may also be claimed by a suit instituted in the name of the corporation before the Circuit Court or Superior Court of the district of Kamouraska according to the amount claimed.

VIII.—SALE OF PROPERTY

R. S., 4557
and 4558, re-
placed for
town.
Sale of im-
moveables
liable for
taxes.

252. Articles 4557 and 4558 of the Revised Statutes are replaced, for the town, by the following :

In all cases where any person, having been rated in respect of any vacant ground or other immoveable property in the town, shall not reside within the town, or, in all cases where sufficient chattels shall not be found to be seized for the payment of the taxes imposed upon any person in the town in respect of any ground, building, or other immoveable property belonging to such person, or to pay the special taxes, water-rates, arrears or other sums due by him, if such person is proprietor, and if any such taxes or water-rates remain unpaid for six months, after the notice of the deposit of the various collection rolls of the town shall have been given, then and in such case, it shall be lawful for the council, on report made to that effect by the secretary-treasurer, to authorize the secretary-treasurer to sell or cause to be sold at the office of the council, in the manner hereinafter prescribed, the immoveable property, or any of such immoveable property which the council shall designate by resolution, so indebted for general taxes or dues or for special taxes or water-rates.

List of prop-
erty to be
sold to be
prepared by
secretary-
treasurer and
publication
thereof.
Posting of
notice.

253. 1. The secretary-treasurer shall prepare a list containing a sufficient designation of the immoveable property, in virtue of article 2168 of the Civil Code, and he shall, within fifteen days after such order, give a public notice, in the manner prescribed for the publication of the by-laws, of the day, hour and place where such sale will take place ; such notice and the copies thereof to be posted up shall be respectively accompanied by a copy of the list of the immoveable properties to be so sold, as well as the amount of taxes due and costs on each property respectively. A similar notice and the list which shall accompany it shall be published twice in a newspaper published in the town, if any there be, and twice in French and in English, in the *Quebec Official Gazette*, in the month of February before such sale.

Publication
in news-
papers.

Special notice
to owners.

2. The secretary-treasurer shall give a special notice to every person whose property is to be sold.

3. At the time appointed for the sale, the secretary-treasurer or some other person acting for him, shall sell to the highest and last bidder, the immoveable property described in the list upon which taxes are still due, after making known the amount to be raised on each of such lots, including therein the costs incurred for the sale.

4. Any person, then and there offering to pay the highest price and being the last bidder, shall become the purchaser of such immoveable, and such immoveable must be at once adjudged to him by the secretary-treasurer or other person who has sold it. The purchaser of the lot so sold, shall pay the amount of his purchase-money immediately upon the adjudication thereof. In default of immediate payment, the secretary-treasurer shall either at once put up the lot for sale or shall postpone the sale for eight days, by giving all persons present notice of such postponement in an audible and intelligible voice, and he shall also give public notice of such postponement in the manner prescribed for the publication of by-laws.

Sale to whom
to be made.

Adjudication.

Purchase
price when to
be paid.

Proceedings
in default of
immediate
payment.

254. If, at the date of the sale, no bid is made or if all the immoveables advertised cannot be sold, the sale shall thereupon be postponed for eight days, and notice of such postponement shall be given in the manner above prescribed; but the proprietor or any person, whether authorized by him or not, may prevent the sale by paying into the hands of the secretary-treasurer the amount to be levied and the costs incurred, and the purchaser may also prevent the subsequent sale by paying into the hands of the secretary-treasurer, before the time fixed for such sale, the amount of the purchase price and all additional costs incurred through the postponement of the sale.

Subsequent
proceedings,
if no bid
made, &c.

255. On payment by the purchaser of the amount of the purchase-money, he is seized of the ownership of the immoveable adjudged and may enter into possession thereof, subject to its being redeemed within the two years following the date of adjudication.

Purchaser
may enter
into pos-
session after
payment.

Nevertheless he cannot cut any tree or make any alteration of a nature to deteriorate the property sold during the two years following the sale.

Proviso.

256. All owners of real estate so sold or any person, whether authorized by them or not, may redeem the same, but only in the name and for the benefit of the person who was the owner of the property when it was adjudged, but only within the two years from the date of such sale, by paying to the purchaser the amount in full of the purchase-

Redemption
by former
owner.

money and the cost of the necessary expenditure made upon such real estate in order to keep it in the same state and condition as when it was purchased, together with the legal interest thereon. If the person effecting a redemption has, at the time of the sale, any hypothecary claim upon such immovable sold, he shall thereupon be *de jure* subrogated in the rights of the town for the purpose of being repaid by privilege the amount of the tax and assessments he may have paid and which he shall be called upon to pay to the town on account of such immovable.

Application
of balance of
proceeds.

Idem if
claims have
been filed.

257. If, after the sale, there remains a balance of money, over and above the sum due for taxes and costs upon any property, such balance shall be paid by the secretary-treasurer into the funds of the town, in order to be ultimately handed over, with interest, on demand, after its redemption, if the right of redemption be exercised, or at the expiration of the two years after the date of the sale if such right of redemption be not exercised, to the person to whom the property so sold belongs, except that when the property has not been redeemed and claims have been filed in the office of the council, in such cases the secretary-treasurer shall transmit to the Superior Court for the district of Kamouraska, at the expiration of the two years, such claims together with a copy of a notice of the sale and of the list of the real estate ordered to be sold, and a certificate giving the description of the property to which the claim relates, the price, a statement of the amount due to the corporation and paid out of such purchase money, and the amount remaining on deposit as well as the interest accrued, and such surplus and interest shall be paid to whomsoever it may be ordered to be paid by a report of distribution made and homologated as in ordinary cases. Interest shall cease to run on such balance from the date at which the claims shall have been transmitted to the court.

Effect of sale.

258. Such sale shall have the same effect as a sheriff's sale.

Corporation
may purchase
property at
such sales.

Redemption
of property
sold.

259. The corporation of the town may bid at the sale of such immovables and may become the purchaser thereof, through the mayor or other person authorized by the council, without being held to pay in forthwith the amount of the purchase money.

The said property may be redeemed by the proprietor or any other person in his name by repaying to the corporation the amount in full for which the property was sold, with interest and costs, in addition to the taxes and assessments due and payable since the said date.

260. A list of the immoveables sold, setting forth the name and residence of the purchaser and the price of the sale, shall be made by the secretary-treasurer, within the fifteen days next after the adjudication; and the secretary-treasurer shall, without delay, give special notice to the proprietors or occupants of such immoveables of the sale thereof.

List of immoveables sold to be prepared, and special notice to be given to proprietors or occupants.

261. If, within two years from the date of the adjudication, the property adjudged has not been redeemed the purchaser shall remain the irrevocable owner thereof; and, upon payment of all municipal and school taxes, which have become due and payable in the interval on such property, such purchaser, at the expiration of the two years, shall be entitled to a deed of sale of such property from the corporation.

Title to be given to purchaser if property not redeemed.

262. The deed of sale shall be executed in the name of the corporation and shall be signed by the mayor and secretary-treasurer and sealed with the common seal of the town; and the cost of such deed of sale as well as of its registration shall be paid by the purchaser to the secretary-treasurer before the passing and registration of such deed of sale. The secretary-treasurer shall cause each such deed of sale to be registered. In the case when the corporation shall have become the purchaser a certificate signed by the mayor and the secretary-treasurer shall be registered to serve as a title.

Formalities of deed.

Title in case corporation becomes purchaser, and registration thereof.

263. The action to annul a sale of an immoveable, made in virtue of the provisions of this act, and the right of calling in question the lawfulness thereof, are prescribed by three years from the date of such adjudication.

Prescription of action to annul sale.

264. If any immoveable described in the list published under the provisions of this act, is advertised to be sold by the sheriff, the secretary-treasurer shall not sell such lot, but he shall without delay forward to the sheriff a statement of the sums due for taxes and the cost of advertising, on account of such immoveable.

Duty of secretary-treasurer, if lots advertised to be sold are also advertised by sheriff.

265. Nevertheless, if on the day fixed for the sale, the proceedings of the sheriff on the sale have been discontinued, the secretary-treasurer may sell the lot in the usual manner, unless the taxes due and the costs of advertising be previously paid.

If sheriff's sale has been discontinued, secretary-treasurer may proceed with his sale.

266. The secretary-treasurer of the school municipality of the town of Fraserville, for the purpose of collecting the arrears due to such municipality by the rate-payers, may transmit to the secretary-treasurer of the town the list of immove-

Secretary-treasurer of school municipality may transmit list

of lots in arrears for school rates to secretary-treasurer of town to proceed to sale thereof.

ables upon which arrears of school taxes are due, and the secretary-treasurer of the town shall proceed to the sale of such immoveables in the manner provided in the present act, and the said sale shall have the same effect as if the said immoveables had been sold for municipal taxes.

IX.—PENALTIES

R. S., 4560, replaced for town.

267. Article 4560 of the Revised Statutes is replaced, for the town, by the following :

Penalty for infringement of by-laws.

If any person infringes any by-law passed by the council or any of the provisions of the present act, imposing a penalty for such infringement, such person shall, for each such offence, be liable to a fine and imprisonment in default of payment thereof, as specified in any of the said by-laws or provisions of the present act, with the costs allowed by the justice of the peace who shall try such offences, according to the tariff then in force ; such fine and costs shall be levied upon the goods and chattels of the offenders, under a warrant signed by a justice of the peace, which warrant shall be executed in accordance with the formalities prescribed by the present act for the seizure and sale of goods and chattels for taxes.

Prescription of complaint for penalties.

268. Every information or complaint for infringement of any by-law of the council, or of any provision of the present act, imposing a penalty for such infringement, shall be made or brought within six months after the offence has been committed.

Sheriff and gaoler of district of Kamouraska to receive and detain prisoners.

269. The sheriff and the gaoler of the district of Kamouraska shall be bound, and they are hereby required, and power is hereby given them, to receive and detain in safe custody, until duly discharged, any person condemned to be imprisoned under this act or of any by-laws passed by the council under this act or of the acts hereby repealed, and also any other person entrusted to the custody of the said sheriff or gaoler by the said town council or by any of its members or officers authorized by it or by the person presiding at the municipal elections.

Power of members of council to order arrest of certain offenders.

270. It shall be lawful for every member of the council, individually, to order the immediate arrest of any person who is drunk or disorderly, or any riotous person whom he may find disturbing the peace within the limits of the town, or any tramp, and to have such person confined in the common gaol of the district, or in any other place of detention, which may be established and fixed by by-law

in order to the safe-keeping of such person, until he shall be brought before the mayor or a justice of the peace, to be dealt with according to law.

271. It shall be lawful for any constable or bailiff residing in the town to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard or other place, or who shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct; and every such constable or bailiff shall deliver such person into the charge of the gaoler in charge of the gaol or other place of detention, in order to the safe keeping of the said person, until he shall be brought before the mayor or any other magistrate, to be dealt with according to law.

Power of constables to arrest disturbers of the peace, &c.

272. Every person who shall assault, beat or forcibly resist any constable or peace officer appointed under this act, and engaged in the execution of his duty, or who shall aid or incite any person to assault, beat or forcibly resist such officer or onstable or any bailiff residing in the town, shall, upon conviction thereof, before the mayor or a justice of the peace, be liable to a fine of from four to forty dollars, and in default of payment thereof to imprisonment not exceeding two calendar months, notwithstanding any provisions to the contrary in the present act.

Penalty for assaulting or resisting constable, &c.

273. The town council shall have power, in order to secure the execution of its by-laws, to impose penalties for each infringement of the by-laws, by a fine not exceeding one hundred dollars, and in default of payment thereof by imprisonment for a period not exceeding two calendar months, but in the by-law the amount of such fine and the period of such imprisonment, if ordered, shall be mentioned.

Power of council to impose penalty for infringement of by-laws.

X.—SPECIAL PROCEEDINGS

1.—*Execution of judgments rendered against the town*

274. Article 4570 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4570, replaced for town.

When a copy of a judgment condemning the corporation to the payment of a sum of money shall have been served at the office of the council, the secretary-treasurer shall at once pay the amount thereof, out of the funds at his disposal, on the authorization of the council or mayor, according to the provisions of section 90.

Payment by secretary-treasurer when copy of judgment against corporation served upon him.

R. S., 4572,
replaced for
town.

Delay may be
granted to
satisfy judg-
ment.

275. Article 4572 of the Revised Statutes is replaced, for the town, by the following :

The court or judge may, upon petition to that effect, in term or in vacation, grant the council, from time to time, such delay as it or he may deem necessary to give it time to levy the moneys required.

R. S., 4574,
replaced for
town.

Writ to
sheriff and
what it en-
joins him to
do.

276. Article 4574 of the Revised Statutes is replaced, for the town, by the following :

Such writ shall be attested and signed by the clerk or prothonotary, sealed with the seal of the court and addressed to the sheriff of the district in which the municipality is situated and shall order him, amongst other things :

1. To levy upon the corporation, with all due diligence, the amount of the debt, with interest and costs both of the judgment and seizure ;

2. In default of immediate payment by the corporation :

(a) To assess the amount of the moneys to be levied upon all the taxable property of the municipality in proportion to the value thereof as shown on the valuation roll, with the same powers and obligations and under the same penalties as the council and secretary-treasurer, to whom he shall be substituted *de jure* with respect to the levying of such moneys ;

(b) To draw up a special collection roll without delay ;

(c) To publish such special roll in the municipality in the manner required by section 246 ;

(d) To exact and collect the sums mentioned in the special collection roll in the manner and within the delays prescribed in section 245 and in article 4550 of the Revised Statutes.

In default of payment of such sums by the persons obliged thereto, to levy the same with costs on their immoveable property, in the manner prescribed by sections 245 and following to 251, inclusively ;

(e) To sell the real estate liable for such amounts, in default of their payment, in the same manner and with the same effect, as if he were acting under a writ *de terris* issued by the Superior Court of the district ;

3. To make a return to the court of the amount levied and of his proceedings, as soon as the amount of the debt, interest, and costs shall have been collected, or from time to time as the court or judge may order.

2.—*Recovery of penalties*

1.—GENERAL PROVISIONS

277. Article 4584 of the Revised Statutes is replaced, R. S., 4584,
for the town, by the following : replaced for
town.

Penalties imposed by the by-laws of the council, or by the Penalties, be-
provisions of this act, shall be recoverable before the Circuit fore what
Court of the district of Kamouraska, or before any justice of court recover-
the peace residing in the town. able.

278. Article 4594 of the Revised Statutes is replaced, R. S., 4594,
for the town, by the following : replaced for
town.

The proceedings in the Circuit Court for the recovery of Law to
such fines shall be the same as in cases between lessors and govern suits
lessees, as prescribed in articles 1150 to 1162 of the Code of for fines.
Civil Procedure and their amendments.

279. Article 4586 of the Revised Statutes is replaced, R. S., 4586,
for the town, by the following : replaced for
town.

Every suit for the purpose of recovering such penalties Prescription
shall be begun within twelve months from the date when of suits for
they were incurred, after which period the same cannot be penalties.
brought.

280. Articles 4587 and 4589 of the Revised Statutes R. S., 4587
are replaced, for the town, by the following : and 4589, re-
placed for
town.

Such prosecutions may be brought by any person of age Prosecutions,
in his own name, or by the corporation. by whom
brought.

281. Penalties recovered in virtue of the by-laws of the Application
council or of the provisions of this act belong, unless it is of penalties.
otherwise provided, one third to the prosecutor, and the

If the prosecution has been brought in the name of the If prosecution
corporation, the penalty shall belong wholly to the corpo- in name of
ration. corporation.

If the penalty is due by the corporation, it shall belong If penalty
wholly to the prosecutor. due by cor-
poration.

282. The secretary-treasurer is hereby authorized to Secretary-
accept payment of all such sums or penalties or to deter- treasurer may
mine the amount thereof at the maximum of such penalty, accept pay-
imposed either by this act or by the by-laws of the council, ment of
and all the costs incurred by the parties, without awaiting penalties.
the decision of the court or even before a suit is taken.
The council may however in its discretion authorize the

secretary-treasurer to accept in certain cases a sum less than the maximum amount of the penalty incurred.

R. S., 4590,
replaced for
town.

283. Article 4590 of the Revised Statutes is replaced, for the town, by the following :

Imprison-
ment in de-
fault of pay-
ment.

In default of payment of the fine and the costs within the delay fixed by the court or judge, the person condemned may be imprisoned for any time not exceeding two months, which imprisonment shall end, however, on payment of the sum due, in principal and costs.

Effect there-
of.

Such imprisonment during the period specified by the judgment shall discharge the person who undergoes it from the obligation of paying the fine to which he was sentenced and the costs.

Taxes, &c.,
once paid,
cannot be re-
claimed for
irregularities,
in by-laws,
&c.

284. No taxes or assessments, arising from any source whatsoever and shares of contributions to the cost of constructing or repairing any sewer, drain or water-course, when once paid to the corporation, shall be reclaimed from it for any informality in the by-laws or in the assessment, collection, or apportionment rolls, in virtue of which such taxes or assessments or sums have been paid, except in the case where the payment of such taxes shall have been made under protest.

Exception.

Penalty for
tearing down,
&c., notices,
placards, &c.

285. Every person, who designedly tears, damages or defaces a notice, advertisement or other document which is ordered by this act or by any by-law or order of the council to be posted up in a public place for the information of the parties interested, shall incur a penalty not exceeding twenty dollars for such offence and an imprisonment not exceeding one month, in default of payment of the fine and costs.

R. S., 4591,
replaced for
town.

286. Article 4591 of the Revised Statutes is replaced, for the town, by the following :

Costs against
complainant
to be paid
under penalty
of imprison-
ment.

The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, shall be bound to pay such costs, under penalty of imprisonment, in the manner and within the delay prescribed in section 283.

2. —PROSECUTIONS BEFORE JUSTICES OF THE PEACE

R. S., 4592,
replaced for
town.

287. Article 4592 of the Revised Statutes is replaced, for the town, by the following :

Prosecutions,
how decided.

Prosecutions brought before justices of the peace, in virtue of section 277, shall be heard and decided by them, according to the usual rules of procedure laid down respecting summary orders and convictions, except in so far as the same are inconsistent with this act.

288. Article 4593 of the Revised Statutes is replaced, for the town, by the following: R. S., 4593,
replaced for
town.

In all cases of arrest on view or on information by a constable of the town, for an offence against the provisions of this act or of a by-law, it shall not be necessary to reduce the complaint to writing; but the complaint on oath, before the judge or the court, by the constable who made the arrest, shall be deemed a sufficient complaint. Complaint in
writing not
necessary;

If the defendant asks that the complaint be taken down in writing, the court shall order the clerk to reduce it to writing. But defend-
ant may re-
quire it.

289. Article 4595 of the Revised Statutes is replaced, for the town, by the following: R. S., 4595,
replaced for
town.

On the day of the return of the summons or of the warrant, the justice of the peace, who issued the same, shall be entitled to hear and decide the case alone. Cases before
what justice
tried.

He may nevertheless require the assistance of any other justice of the peace having jurisdiction within the district. Justice may
require
assistance of
others.

The return of service made by a bailiff shall be made under his oath of office. Return of
service.

290. Article 4598 of the Revised Statutes is replaced, for the town, by the following: R. S., 4598,
replaced for
town.

The judgment shall be executory in the delays fixed by the court or judge, or if no delay has been so fixed, eight days after the date thereof. When
judgment is
executory.

3.—*Appeals to the Superior Court*

291. Article 4601 of the Revised Statutes is replaced, for the town, by the following: R. S., 4601,
replaced for
town.

An appeal shall lie to the Superior Court from every judgment rendered by one or more justices of the peace, in suits brought under this act, or the by-laws of the council. Appeal lies to
Superior
Court.

292. Article 4604 of the Revised Statutes is replaced, for the town, by the following: R. S., 4604,
replaced for
town.

The appeal shall be brought by means of a petition setting out summarily the title of the cause, the date of the judgment, the security furnished, the grounds of appeal, with conclusions praying for the setting aside of the judgment and for the rendering of that which ought to be rendered, with notice of the day on which the petition shall be presented to the court or judge. Appeal, how
brought.

R. S., 4605,
replaced for
town.

293. Article 4605 of the Revised Statutes is replaced, for the town, by the following :

Service of
copy of
petition with
notice, when
and how
made.

A copy of such petition, certified by the appellant's attorney, together with a notice of the day when it will be presented to the court, shall be served within the fifteen days next after the rendering of the judgment, on the respondent or his attorney, and on the justice of the peace or on one of the justices of the peace, who rendered the same.

R. S., 4606,
4607 and 4612,
replaced for
town.

294. Articles 4606, 4607 and 4612 of the Revised Statutes are replaced, for the town, by the following :

Record to be
transmitted
before day
fixed for pre-
senting
petition.

Between the day of such service and that fixed for presenting the petition in appeal to the court or judge, the justices of the peace shall transmit the record in the cause to the prothonotary, with a certificate testifying that the documents transmitted are all the papers, documents and evidence relating to the cause, under penalty of a fine of from five to ten dollars.

Execution
suspended
pending
appeal.

295. The execution of the judgment, from which an appeal has been instituted, shall be suspended until the decision of the Superior Court or of the judge, if a copy of the petition in appeal has been served, within the prescribed delay, upon the justices of the peace ; in default thereof the judgment may be carried into effect.

Abandon-
ment of ap-
peal.

296. Every appellant who neglects to make the service required by section 293, or, who having made the same, neglects effectually during three months to prosecute the appeal, shall be deemed to have abandoned such appeal ; and the court or judge, on application by the respondent, shall declare all the rights and claims, founded on the said appeal, forfeited with costs in favor of the respondent, and shall order the transmission of the record to the court below.

XI.—FINAL PROVISIONS

French
version of act
to prevail.

297. In the event of a discrepancy between the English and French versions of this act, the French version shall be adopted in preference.

Law appli-
cable to town.

298. The law respecting the governing of town corporations, namely articles 4178 to 4615, inclusively, of the Revised Statutes, shall apply to the town of Fraserville only in so far as it is not inconsistent with the express provisions of this act, and the powers conferred upon the council by the town and its officers shall be deemed supplementary to those conferred by this act.

299. Articles of the Revised Statutes which are derogated from by this act shall not be a derogation from the general law governing town corporations except for the town of Fraserville.

Declaration
as to repealed
articles of
Revised
Statutes.

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

Coming into
force.

CHAP. 70

An Act to incorporate the town of Arthabaska

[Assented to 25th April, 1903]

WHEREAS the village of Arthabaskaville has, by petition, prayed to be incorporated as a town and whereas it is expedient to grant its prayer ;

Preamble.

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

SECTION I

INCORPORATION

1. The territory comprised within the limits hereinafter set forth is erected into a town municipality under the name of "The town of Arthabaska," and the inhabitants of the said village are constituted a town corporation under the name of "The Corporation of the town of Arthabaska".

Certain territory erected into a town.
Name.
Inhabitants created a corporation.
Name.

2. The town shall be separated from the county of Arthabaska for all municipal purposes.

Separated from county.

3. The corporation of the town of Arthabaska is governed by the provisions of the law concerning town corporations, contained in chapter first of title eleventh of the Revised Statutes, except where otherwise expressly derogated therefrom by this act or by the inconsistent provisions it may contain.

Law to govern corporation.

SECTION II

BOUNDARIES AND DIVISION INTO WARDS

4. The boundaries of the town of Arthabaska are the same as those of the village of Arthabaskaville, as defined by the act 51-52 Victoria, chapter 33, and, to remove all

Boundaries of town.