

The Creation of the Municipality of Austin (1930-1938)

Introduction

Establishing Austin as a separate municipality was no easy feat. It was, in fact, a heart-rending event for the citizens of the new entity as well as for those of the original municipality of East Bolton. This separation, which seemed inevitable, followed three prior territorial dismemberments since the granting of the township of Bolton to Nicholas Austin in August 1797.

The first dismemberment occurred in 1849, when the entire territory located to the east of the XIIIth Range in the municipality of Bolton was detached to form the new township of Magog. Then West Bolton obtained its independence in 1876, resulting in the loss of the four westernmost ranges in the township. Finally, in 1888, Eastman seceded in turn, so that all that remained of the original township was the central portion, which continued to be known as the municipality of East Bolton.

The municipality of East Bolton was comprised of an eastern sector (now Austin) and a western sector (the Missisquoi River valley). Separated by a small mountain range, the interests of the two sectors were very different from each other. Trade routes in the western sector ran to Mansonville and Knowlton in the south and to Eastman, Stukely and Waterloo in the north, whereas the eastern sector traded essentially with the Magog and Sherbrooke markets.

The main reason for seceding, however, was essentially economic in nature. The land owners in the eastern sector felt that they were being consistently penalized by an inequitable redistribution of taxes and government subsidies, especially those intended for the maintenance of roads, bridges, culverts and such. By separating, they hoped to gain sole control over their finances.

A close examination of the records relating to the creation of the municipality of Austin, obtained from the *Bibliothèque et Archives nationales du Québec* (BAnQ), has revealed that the presence of the Benedictines on its territory played a very significant role in the separation of Austin from East Bolton. Indeed, with the exception of the first application, made in 1930 with the support of the Benedictines, all the correspondence (1937-1939) between the Department of Municipal Affairs and the party demanding separation was handled through the intermediary of the Benedictines. In fact, the monks would later invoke their role in this affair in order to gain their own autonomy in March 1939¹. While it is difficult to confirm that by taking up Austin's cause, the Benedictines had been pursuing this goal from the outset, it is certainly possible to entertain such an assumption.

First application

On September 17th 1930², Notary Robert Bachand of Waterloo filed with Mr. Oscar Morin, Deputy Minister of Municipal Affairs, an application to establish the municipality of Austin in Brome County, thereby separating it from the municipality of East Bolton. The following documents were sent along with the application:

- the original plan of the municipality, on canvas, prepared by Léon Desrochers, land surveyor, and dated September 3rd 1930;
- three blueprints of the same plan;
- three copies of the technical description of the territory, in French and in English;
- three applications (originals) signed by almost all the taxpayers of the future municipality;
- three certificates signed by the secretary of the municipality of East Bolton attesting that the number of souls in the new municipality would be greater than 300 and indicating the number of souls which would remain in the former municipality;
- a cheque in the amount of \$50 signed by Dr. J.O. Goyette of Montreal and made payable to the order of the notary but owed to the Department of Municipal Affairs.

This application, signed by Notary Bachand, concluded with the following request: "I would ask you to please inform the municipalities concerned once you have approved this application, and send to them a copy of the plan and technical description for information purposes." These words turned out to be too optimistic, for the separation would not take place for another eight years.

At first glance, the approval of this application would have seemed to be a mere formality, but strong opposition was voiced by the citizens of the western portion of East Bolton and by the Corporation of the County of Brome. The application of the petitioners requesting separation contained some 115 signatures, including that of the Benedictine superior. Rumours started circulating as early as September 8th 1930 that a petition was being prepared and, before the application was even submitted to Municipal Affairs, the East Bolton municipal Council adopted a resolution to firmly oppose the proposed separation³.

The battle which ensued pitted the future municipality of Austin, backed by its resident Benedictines, against the municipality of East Bolton, who had the full support of the Corporation of the County of Brome⁴. The two parties engaged in a war of numbers: property assessments, taxes collected, moneys invested and the sharing of subsidies for the maintenance of roads, bridges and culverts in each of the two sectors were hotly debated.

Without the support of the Benedictines, it is unlikely that the municipality of Austin would have succeeded in its bid to separate from East Bolton. Indeed, the monks played a major role throughout the entire process, from the first application in 1930 until the signing of the agreement with the Department of Municipal Affairs, with the endorsement of the Premier of Quebec in 1938.

Second application

On September 22nd 1930, the municipality of East Bolton and the Corporation of the County of Brome were informed that separation proceedings were underway, and that they were granted one month in which to oppose them, should they wish to do so. On October 13th, the Corporation of the County of Brome registered its disagreement in a letter addressed to the Minister of Municipal Affairs. The next day, a large number of citizens from the western part of the territory manifested their opposition by invoking the following grievances in a petition addressed to the Minister:

- the proposed division was neither fair nor equitable for the residual municipality;
- the division proposed by the petitioners was not appropriate;
- the petitioners wished to appropriate a large portion of the property assessment without assuming an equitable portion of the municipality's roads and bridges;
- the damages and prejudice incurred by the residual municipality would outweigh the benefits obtained by the new municipality and the petitioners in favour of separation.

On October 18th 1930⁵, Notary Bachand notified the Minister that the citizens of the new municipality hoped "... to obtain approval in the near future for they wish to see this matter settled in order to get to work and make of their new municipality a municipality of their own." On October 21st Deputy Minister Oscar Morin announced his forthcoming visit, on November 15th, to meet all parties concerned. However, no evidence of this meeting has been found. The project was shelved.

Father Paul Brun, former superior of the Benedictines and signer of the petition, revived the issue in a letter dated July 29th 1931⁶: "... I confess that it is regrettable that the matter was not resolved immediately since, as you know, both the law and common sense were on our side." He pointed out the deplorable condition of the roads and bridges; the road between Austin and Bolton Centre had been closed for a month and a half while people were forced to make a lengthy detour by way of Millington to go to the post office and station in Bolton Centre.

A letter dated August 29th 1932⁷ reveals that the 1930 application had been shelved because "...the minister at the time did not deem it appropriate to recommend to the lieutenant governor in council to approve this application. The departmental policy, for the duration of the depression, is to refuse applications for municipal divisions. Under the circumstances, I do not feel it appropriate to re-open the matter."



M. Arthur Dufresne
first mayor of Austin

Public Notice was given by J. M. Bryant, Secretary-Treasurer of the Township of East Bolton, on Friday the thirtieth day of December, one thousand nine hundred and thirty-eight, by posting a copy thereof at or near the door of the Roman Catholic Church and at or near the door of the United Church, in the said Municipality.
Mr. Arthur Dufresne, farmer of the said Municipality was nominated as Mayor.
No other nominations having been received at twelve o'clock, noon, for Mayor, the said Mr. Arthur Dufresne was declared ipso facto elected.

Extract from the first minutes of the municipality mentioning the nomination of Mayor Arthur Dufresne.

In 1937, the Benedictines revived the issue once again.⁸ In a letter addressed to Mr. Louis Codère, Deputy Minister of Municipal Affairs, Reverend Father Dom Roméo Thibodeau indicated their wish to reopen negotiations, and reiterated the same motives as had been invoked in 1930-1932: "the principal reason for this new application is that the local interests of the tax-paying owners residing in this territory are constantly undermined and they are powerless to obtain, in the form of subsidies, even a portion of the amounts that they pay in taxes." It should be noted that, at the time, the Benedictines were not exempt from paying taxes.

Dom Thibodeau suggested only one modification to the application submitted in 1930: "that the name of Saint-Benoît-du-Lac, the name of the parish, replace that of Austin." Thus, the territory of Austin and that of the Benedictines would be transformed into a parish municipality. In November 1937, fearing that they may have to leave the region, the Benedictines abandoned their plan to separate^{9, 10}.

After coming to the realisation that it was impossible for them to leave and that they had better seek ways to improve living conditions where they were already established, the Benedictines once again launched the idea of a separate municipality. The Minister of Municipal Affairs, Joseph Thibodeau, asked the opinion of the MLA for Brome, Jonathan Robinson who, it turns out, was not in favour of the project. By then, however, the application had already been forwarded to the Premier's office¹¹. In a letter to the Minister of Municipal Affairs, the Premier's chief of staff indicated that the Premier was most interested in the application and added: "I do not know if you wish to grant these monks' wishes, but you would please the Premier by giving your sympathetic consideration to their application."

On June 14th 1938, Dom Roméo Thibodeau met the Premier in Québec "with the intention of obtaining a definitive response with respect to the projects that I have had the honour of submitting to him through my chargé d'affaires, Robert Côté, Attorney"¹². His use of the plural indicates that he had submitted more than one project to the Premier, a fact that has been confirmed.

Following this meeting, Dom Thibodeau informed the Minister of Municipal Affairs that he wished to amend his application to include only the lots owned by the Benedictines in the new municipality of Saint-Benoît-du-Lac. Once established as a separate municipality, the monastery would then submit a new application to enable the parish to enjoy the same benefits.¹³ Unexpectedly, the opposite happened: Austin separated first, to be followed at a later time by the founding of the municipality of Saint-Benoît-du-Lac. The idea of a private bill was born, to be eventually enacted on March 16, 1939 (Bill No. 136, Act 3 Geo VI, ch. 149).

Municipal council elections

On July 6th 1938, upon learning that the new municipality formed by Austin and Saint-Benoît-du-Lac would be called Saint-Benoît-du-Lac, the Brome County Historical Society (BCHS) officially registered its opposition to the name and insisted on the use of the name of Austin¹⁴. On September 19th 1938 the Prior, Dom Léonce Crenier, asked the Minister of Municipal Affairs to approve the application to found the municipality of Austin. Thus, the Benedictines had adopted the position of the BCHS and the MLA, but their eventual separation seemed to have been assured by the Premier at a prior meeting on June 11th.

On September 10th 1938, a new petition signed by the taxpayers in the proposed municipality of Austin was sent to the Minister of Municipal Affairs. On September 18th, Dom Thibodeau informed Minister Bilodeau¹⁵ that the mayor of East Bolton, who had always acted in bad faith in this matter, had just been suspended from office by the Sweetsburg Court for embezzling a large sum of money. (However, a review of the municipality's minutes indicates that he continued to serve as mayor.) He also added that out of a subsidy of \$12,000 for road work, only \$2,000 had been earmarked for the Austin sector whereas in truth it should have received \$6,000. The next day, in turn, prior Dom Léonce Crenier appealed to the Minister¹⁶.

In a letter to Minister Bilodeau dated September 26th 1928, Dom Thibodeau asked that the Benedictines be the first to be informed of his decision, justifying his request by mentioning the predominant role played by the monks in the establishment of Austin: "It is good that our population be made aware of the pain, effort and expense that we have incurred on their behalf."

Finally, on October 10th, a decree issued by the Executive Council recommended the establishment of the municipality of Austin. The official proclamation made on October 20th came into force on November 5th 1938, at the time of its publication in the *Gazette officielle de Québec*¹⁷.

On November 9th, the council of East Bolton claimed that it had not been informed of the establishment of the new municipality and the Corporation of the County of Brome expressed its surprise and even wondered whether the law had been respected.

The two municipalities concerned expressed some dissatisfaction over their dividing border. The Minister commented that it was too late to intervene and that it would be up to the two newly formed municipal councils to come to an agreement.

Discussions commenced as to whom would supervise the first election:

- Saint-Benoît-du-Lac proposed a parishioner, Célestin Allain;
- Jonathan Robinson, MLA for Brome, suggested John P. Taylor of Millington;
- the Minister of Municipal Affairs proposed George Dryburgh, Secretary-Treasurer of Knowlton, who declined;
- the Minister of Municipal Affairs then suggested Robert Francis Cowan, Secretary-Treasurer of the municipality of Potton, who was officially appointed.

In mid-December, John P. Taylor, undoubtedly in good faith, publicly announced that the nominations would take place on December 14th, and went so far as to propose an election by acclamation. Dom Thibodeau declared that Taylor aspired to the mayorship. He also proposed a proportional representation of anglophones/protestants and francophones/catholics. The Minister then intervened by announcing that the elections would be held on January 12th 1939, and disregarded MLA Robinson's suggestion that the election be postponed another month to better prepare and, above all, to allow him sufficient time to present a private bill to separate Saint-Benoît-du-Lac from Austin¹⁸. It is thus clear that a decision had already been made to establish Saint-Benoît-du-Lac as a separate municipality.

On January 12th a public meeting of voters, chaired by Robert F. Cowan, the appointee of the Minister of Municipal Affairs, Trade and Industry, was held at the protestant school in Austin. Nine candidates were nominated for the six councillor seats, but three withdrew. Arthur Dufresne was elected mayor by acclamation. The six councillors elected were: Harold H. Channell, George Clark, Peter Galvin, Donald F. Patterson, John P. Taylor (pro-mayor) and Joseph Tétrault.

The first meeting was held on January 19th at the home of J.M. Bryant, who was appointed secretary-treasurer. A resolution was adopted to borrow \$1500 for current expenses.

A second meeting was held on February 13th and chaired by John P. Taylor. A request was sent to the Minister of Municipal Affairs asking him to delegate someone to help divide and make a settlement between the municipalities of East Bolton and Austin. The Minister delegated R.F. Cowan of Potton.

On February 27th 1939, a special meeting was held to consider the application for separation made by the municipality of Saint-Benoît-du-Lac. A similar request from the Benedictines had already been submitted to East Bolton on July 4th 1938 and the council had opposed it. Without any discussion, the municipality of Austin approved the separation of Saint-Benoît-du-Lac and a resolution to that effect was addressed to the Honourable Louis Arthur Giroux, member of the Legislative Council. Since a private bill had already been drafted, this was merely a formality. Private bill No. 136, Act 5, Geo VI, ch. 149, published in the *Gazette officielle de Québec* on March 25, 1939, created the municipality of Saint-Benoît-du-Lac.

The separation of Saint-Benoît-du-Lac from the municipality of Austin satisfied both parties: the Benedictines obtained the tax exemption status they had sought while Austin was relieved from the responsibility of maintaining their roads and providing other services required by law.

During the first year, the council had a great deal of work, the first order of business being to take out loans (which had to be approved by the Department of Municipal Affairs) and apply for grants to fund, amongst other things, a survey to determine the limits between Austin and East Bolton, the construction of a town hall and the complete refurbishment of the Bolton-Centre road bridge which spanned Powell Brook, whose pitiful state required urgent repairs.

Conclusion

In light of the specific interests and needs of the two entities concerned, the establishment of the municipality of Austin appears to have been inevitable. The process was started in 1930 but the economic crisis caused it to be shelved for some time. Launched again in 1937, the project finally came into fruition in November 1938.

Were it not for the major role played by the Benedictines, Austin might have not been successful in its bid to become a separate municipality. It should be noted that the Benedictines certainly enjoyed the good favour of the Premier of that time, Mr. Maurice Duplessis, who intervened on their behalf to have a private bill tabled in order to create the municipality of Saint-Benoît-du-Lac, mere months after Austin was established.

Austin, November 5, 2013

PUBLIC NOTICE

Province of Quebec,
Canada
MUNICIPALITY OF THE COUNTY OF BROME

PUBLIC NOTICE is hereby given by the undersigned, J. A. Lefebvre, Secretary-Treasurer of the Municipal Council of the County of Brome, that a proclamation has been issued and published in the Quebec Official Gazette bearing date the 5th of November, 1938, erecting into a separate municipality, the territory described in said proclamation under the name of the "MUNICIPALITY OF AUSTIN" as follows, to wit:

PROCLAMATION

WHEREAS a petition has been presented to Us, requesting to detach from the municipality of East Bolton, in the County of Brome, the territory hereinafter described, and to erect it into a separate municipality under the name of the "Municipality of Austin", County of Brome;

Whereas all the provisions of the Municipal Code in this respect have been fulfilled, that the said territory is in the conditions exacted by Law to form a municipality, and that there shall remain to the Municipality of East Bolton, after the said erection, a population of more than three hundred souls;

THEREFORE, with the consent and advice of Our Executive Council expressed in an order, dated the tenth of October, 1938, and pursuant to the provisions of the Municipal Code of Our Province of Quebec, We hereby declare that the following territory, namely:

A territory situate in the township of Bolton, in the County of Brome, and whose the perimeter is described as follows, namely: Starting from the point of intersection of the west shore of Sargent Bay of Lake Memphremagog with the divisional line of the township of Potton and of Bolton; thence, with reference to the official cadastre for the township of Bolton, passing by the following lines and limitations; the said divisional line of the townships of Potton and Bolton to the divisional line of the 9th and 10th ranges, this last line to the divisional line of lots Nos. 1306 and 1307 in the 10th range, the said divisional line of lots Nos. 1306 and 1307 of the 10th range, the divisional line of the 10th and 11th ranges, to the north line of lot No. 1379 in the 11th range, this last line, the divisional line of the 11th and 12th ranges to the exterior north line of the township of Bolton, this said exterior north line as far as the summit of the northeast corner of the township of Bolton, the divisional line of the townships of Magog and of Bolton in southerly and easterly directions to the shore of Lake Memphremagog and finally the said shore following it in all its sinuosities to the point of departure; the said territory, together with the roads, streets, lanes, rivers, lakes, watercourses or parts thereof, comprised within the above described limits as well as that part of Lake Memphremagog and the islands which may be situate in front of said territory in the county of Brome, will be detached from the municipality of East Bolton, and will be erected into a separate municipality, under the name of the "Municipality of Austin", on and from the publication of the present proclamation in the Quebec Official Gazette.

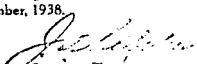
OF ALL WHICH OUR living subjects and all others whom these presents may concern, are hereby required to govern to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of the Province of Quebec, to be hereunto affixed. WITNESS: Our Right Trusty and Well Beloved the Honourable Mr. ESIOFF LEON PATENAUDE, Member of Our Privy Council of Canada, Lieutenant-Governor of Our Province of Quebec.

At Our Government House, in Our city of QUEBEC in the year of Our said Province, this TWENTIETH day of OCTOBER, in the year of Our Lord one thousand nine hundred and thirty-eight and in the second year of our Reign.

By Command, JEAN BRUCHESI,
Under Secretary of the Province.

Given in the Village of Knowlton, Que., the 21st day of November, 1938.

(Signed) 
Secretary-Treasurer,
Brome County Municipal Council.

Notes

- 1 - Letter from R. P. Dom Roméo Thibodeau to the Honourable Joseph Bilodeau, Minister of Municipal Affairs, dated September 26, 1938.
- 2 - Letter from Notary Robert R. Bachand of Waterloo to Mr. Oscar Morin, Deputy Minister of Municipal Affairs, dated September 17, 1930.
- 3 - Minutes of a special meeting of the council of the municipality of East Bolton, held on September 8, 1930.
- 4 - Copy of a resolution adopted during a special meeting of the Corporation of the County of Brome, held in Knowlton on October 8, 1930.
- 5 - Letter from Notary Bachand to Mr. Oscar Morin, Deputy Minister of Municipal Affairs, dated October 18, 1930.
- 6 - Letter from the Reverend Paul Brun, priest, to the Deputy Minister of Municipal Affairs, dated July 29, 1931.
- 7 - Letter from Mr. Oscar Morin, Deputy Minister of Municipal Affairs, to Dr. Pierre-Paul Renaud, dated August 29, 1932.
- 8 - Letter from R. P. Dom Roméo Thibodeau to Mr. Louis Codère, Deputy Minister of Municipal Affairs, dated March 16, 1937.
- 9 - Letter from R. P. Dom A. Chouinard, m.b., solicitor, to Mr. Louis Codère, Deputy Minister of Municipal Affairs, dated March 23, 1938.
- 10 - Letter from R. P. Roméo Thibodeau to Mr. Louis Codère, Deputy Minister of Municipal Affairs, dated June 11, 1938.
- 11 - Letter from Mr. Georges Léveillé, Chief of Staff for the Premier, to the Honourable Joseph Bilodeau, Minister of Municipal Affairs, Trade and Industry, dated April 8, 1937.
- 12 - Letter from Dom Roméo Thibodeau to the Deputy Minister of Municipal Affairs, dated June 11, 1938.
- 13 - Letter from Dom Roméo Thibodeau to the Department of Municipal Affairs, dated June 16, 1938.
- 14 - Letter from the Brome County Historical Society to Mr. Jonathan Robinson, M.L.A., dated July 6, 1938.
- 15 - Letter from Dom Roméo Thibodeau to the Honourable Minister J. Bilodeau, dated September 18, 1938.
- 16 - Letter from Dom Léonce Crenier, prior, to the Honourable J. Bilodeau, Minister of Municipal Affairs, dated September 19, 1938.
- 17 - *Gazette officielle de Québec*, November 5, 1938, vol. 70, No. 44, p. 3661-s.
- 18 - Letter from Mr. Jonathan Robinson, M.L.A., Brome County, to Mr. Louis Codère, Deputy Minister of Municipal Affairs, dated January 9, 1939.

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