



CHAPTER 94

An Act to consolidate the charter of the city of St. Hyacinthe

[Assented to, the 20th of April, 1934]

WHEREAS the city of St. Hyacinthe has, by its petition, represented that its charter, the act 51-52 Victoria, chapter 83, has been often amended, by both general and special acts, and that such changes are liable to hinder the good administration of the said city by making the act which concerns it difficult of interpretation, and that, under the circumstances, it is preferable and even urgent that the charter of the said city be consolidated;

Whereas it is necessary that further powers be granted to the city; and

Whereas it is expedient to grant the prayer contained in 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:

1. This act may be cited as the "*Charter of the city of St. Hyacinthe, 1934*". Short title.

2. The Cities and Towns' Act, Revised Statutes, 1925, chapter 102, and its amendments, shall apply to the city of St. Hyacinthe, except the sections thereof and the amendments which are excluded therefrom or replaced by this act. Provisions applicable to city.

However, wherever they occur (1) the words: "by this chapter" or "under this chapter" they shall be replaced by the words: "by this charter" or "under this charter"; (2) the words: "city or town" shall be replaced by the word: "city". Replacement of certain words.

Provisions
not applic-
able and
replaced.

3. Sections 12 to 24 inclusively of the said Cities and Towns' Act shall not apply to the city; and sections 25, 26 and 27 of the said act are replaced, for the city, by the following:

Incorporation.

"25. The inhabitants of the city of St. Hyacinthe, within the limits hereinafter described, and their successors, are and shall be a body politic and corporate by the name of "The city of St. Hyacinthe".

Name.

General
powers.

By that name, they and their successors shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded in all courts and in all causes and suits at law whatsoever, and shall have a common seal, with power to alter and modify the same at pleasure, and shall be in law capable of receiving by donation, acquiring, holding, selling, hypothecating, transferring and alienating property, real or moveable, for the use of the city, of becoming parties to any contracts or agreements in the management of the affairs of the city, and of giving, issuing or accepting any notes, bonds, debentures, obligations, judgments or other instruments or securities for the payment, or for securing the payment of any sum of money loaned, or for the execution, or for guaranteeing the execution of any duty, right or thing whatsoever, and generally shall have all other collective rights and powers necessary for the performance of the duties imposed upon them.

Present
mayor, etc.,
to continue
in office.

"26. The mayor and the aldermen of the city at present in office shall remain, and they are hereby continued in office for the whole of the period for which they have been elected, and they shall hold office until replaced under this act.

Id., for
officers.

The officers appointed by the city council shall remain and they are hereby continued in their respective offices, until their due removal by the council or the expiration of their powers.

By-laws,
etc., to con-
tinue in
effect.

All by-laws, ordinances, agreements, provisions and engagements whatsoever made and entered into by the said present council and its officers, or their predecessors in office, shall have and continue to have their full and entire effect, until the said by-laws, agreements and engagements shall have been regularly repealed, amended or abolished.

Substitution
in rights,
etc.

The council, as it will be constituted in virtue of this act, shall succeed to and be substituted in all the rights, powers and actions of the city council of St. Hyacinthe, as now constituted.

Territory.

"27. The city of St. Hyacinthe comprises the territory bounded as follows:

On the southwest, by the extension towards the south-east of the line dividing lot No. 1095 from lot No. 1096 of the hypothecary cadastre of the parish of Notre-Dame de St. Hyacinthe, starting from the middle of the Yamaska river, and by such line as far as the point of its intersection with the extension towards the west of the line of the south side of Lafontaine street of the city; from that point by such extension line towards the east to the point where it meets the dividing line of Nos. 1094 and 1095 of the same cadastre which is in part the southwest boundary of the city, from such meeting point to the railway formerly known as the Quebec, Montreal and Southern railway; thence the boundary line follows the railway through lots Nos. 1094, 1091 and 1092 of the said hypothecary cadastre, to the point of intersection of the railway and the dividing line between lot No. 1089 and lots Nos. 1091 and 1092 of the said cadastre; thence the said dividing line constitutes the prolongation of the southwest boundary line of the said city, to lot No. 1086 of the said cadastre; on the northwest, by the southeast line of lot No. 1086 as far as lot No. 1083 of the said cadastre; thence by a straight line passing through lots Nos. 1083, 1082 and 1080a as far as the dividing line between lots Nos. 1062, 983, 946 and lots Nos. 1061, 984, and 945 of the said hypothecary cadastre; thence by a straight line passing at one hundred feet northwest of the southeast line of lot No. 1296 of the said cadastre to a point situated six hundred feet from the dividing line between the lands along the Yamaska river and those of the *Petit-Rang*, on the prolongation of the northern line of Laframboise street; and thence, for one thousand feet deep, by a line parallel to the said dividing line of the lands along the Yamaska river and those of the *Petit-Rang*; thence, in an easterly direction at six hundred feet by a line parallel to Laframboise street; and thence by the dividing line between the lands along the Yamaska river and those of the *Petit-Rang* as far as the northeast limits of the said city; on the northeast by the northeast line of lots Nos. 680, 679 and 678 of the hypothecary cadastre of the city of St. Hyacinthe; on the southeast by the middle of the Yamaska river."

4. Sections 30 and 30a of the said Cities and Towns' Act are replaced, for the city, by the following section: R. S., c. 102,
ss. 30, 30a,
replaced
for city.

"30. The city shall be divided unto five wards, which shall be respectively designated and known as "ward number one", "ward number two", "ward number three", "ward number four" and "ward number five", and shall be bounded as follows, that is to say: Division
into wards.

“Ward number one”. 1. “Ward number one” shall be bounded in front by the middle of the river Yamaska, on the northeast and in depth by the limits of the city, and on the southwest by a line passing through the centre of Concorde street and its extension as far as Mondelet street and thence by the middle of the said street and its extension to the dividing line between subdivisions numbers 139 and 140 of lot number 683, and thence by said dividing line and its extension to the middle of Beauparlant street as far as the northeastern limits of the city.

“Ward number two”. 2. “Ward number two” shall be bounded in front by the middle of the said river, in depth by the limits of the city, on the northeast by ward number one, and on the southwest by a line drawn through the centre of Mondor street from the said river as far as Girouard street, thence along the middle of Girouard street, as far as the middle of Laframboise street, and thence along the centre of Laframboise street and its continuation as far as the limits of the city;

“Ward number three”. 3. “Ward number three” shall be bounded in front by the middle of the said river, in depth by the limits of the city, on the northeast by ward number two, and on the southwest by a line drawn through the centre of St. Anne street from the river and prolonged as far as the limits of the city;

“Ward number four”. 4. “Ward number four” shall be bounded in front by the middle of the said river, in depth by the limits of the city, on the southwest by ward number five, and on the northeast by ward number three;

“Ward number five”. 5. “Ward number five” shall be bounded in front by the middle of the said river, in depth by the northwestern limits of the city, on one side by the middle of Bourdages street and of the *Petit Rang* road as far as the limits of the city, and on the other side by the southwestern limits of the city.”

R. S., c. 102, s. 32a, added for city. 5. The said Cities and Towns’ Act is amended, for the city, by adding thereto, after section 32 thereof, the following section:

Optional entry on valuation roll. “32a. When the line dividing wards runs through a lot or a building, the entire lot or building may be entered in either ward on the valuation roll.”

R. S., c. 102, s. 46, replaced for city. 6. Section 46 of the said Cities and Towns’ Act is replaced, for the city, by the following:

Election of mayor and aldermen. “46. There shall be elected, in the manner hereinafter mentioned, a fit and proper person to be and who shall be called ‘the mayor of St. Hyacinthe’, and two qualified persons to be aldermen for each ward of the city.”

7. Section 47 of the said Cities and Towns' Act is re- R. S., c. 102,
placed, for the city, by the following: s. 47, repla-
ced for city.

"47. The corporation shall be represented by a council Representation
composed in the manner specially prescribed by the charter by
of the city and all the rights and powers of the corpora- council.
tion shall be exercised and its duties and obligations shall
be fulfilled by the said council and its officers.

This council shall be called: "The City Council of St. Name.
Hyacinthe".

8. Section 48 of the said Cities and Towns' Act is re- R. S., c. 102,
placed, for the city, by the following: s. 48, repla-
ced for city.

"48. The persons chosen at the annual municipal Term of
elections, to be mayor or aldermen of the city, shall, in all municipal
cases, be elected for two years. office.

At each such annual election one alderman for each When alder-
ward shall go out of office, and it shall always be the one men to
whose election shall have taken place two years before." retire.

9. Section 49 of the said Cities and Towns' Act is re- R. S., c. 102,
placed, for the city, by the following: s. 49, repla-
ced for city.

"49. No person may be alderman for more than one Representa-
ward at a time." tion.

10. Section 56 of the said Cities and Towns' Act is re- R. S., c. 102,
placed, for the city, by the following: s. 56, repla-
ced for city.

"56. In the event of a vacancy occurring in the office of Filling of
mayor, either by the death of the person elected to such vacancy in
office, his absence, his refusal to accept the same, or other- office of
wise, such vacancy shall be filled by the election, in the mayor.
manner prescribed by the charter of the city of St. Hya-
cinthe, of a fit and proper person, who shall remain in
office for the remainder of the time for which his prede-
cessor had been elected, and furthermore until the swearing
in of his successor.

If a person is elected at the same time mayor of the city Obligation
and alderman, or being already elected alderman for one to accept
of the said wards of such city is elected mayor, he shall be office of
bound within the four days, unless he be by law exempted mayor in
from the same, to accept the office of mayor; and in de- certain case.
fault of accepting the said office of mayor, he shall incur
and pay a penalty of forty dollars."

11. Section 57 of the said Cities and Towns' Act is re- R. S., c. 102,
placed, for the city, by the following: s. 57, repla-
ced for city.

Appoint-
ment, etc.,
of pro-
mayor.

"57. The council shall, after each annual municipal election, appoint a pro-mayor, who shall take the place of the mayor, in case of his absence, and shall be invested with all his powers for the whole time fixed by the council for the duration of his term of office.

Exercising
of powers.

Upon the office of mayor becoming vacant, the pro-mayor shall exercise all the powers of the mayor, until a new mayor be appointed."

R. S., c. 102,
s. 58, repla-
ced for city.

12. Section 58 of the said Cities and Towns' Act is replaced, for the city, by the following:

In absence
of mayor.

"58. In the event of the absence of both the mayor and of the pro-mayor the council may choose one of its members to preside at each sitting."

R. S., c. 102,
s. 61, repla-
ced for city.

13. Section 61 of the said Cities and Towns' Act is replaced, for the city, by the following:

Vacancy in
office of
alderman.

"61. If any vacancy occur in the office of alderman, the mayor, within eight days after such vacancy, shall fix a day for the nomination of candidates, and also for the election in case of opposition. Such election shall be held within thirty days after such vacancy.

Appoint-
ment of
election
clerk.

Eight days at least before the day fixed for the nomination of candidates, the clerk of the municipality, by a commission under his hand and according to form 5, shall appoint an election clerk, and give the public notice prescribed in section 179 and drawn up according to form 7.

Procedure.

In other respects, such nomination and election shall be held as in the case of general elections, and the person elected shall hold office until the expiration of the term of office of the alderman whom he has replaced."

R. S., c. 102,
s. 95, repla-
ced for city.

14. Section 95 of the said Cities and Towns' Act is replaced, for the city, by the following:

Deposit of
moneys.

"95. The treasurer must deposit in one or more chartered banks designated by the council the moneys arising from taxes or municipal dues, or belonging to the city, as soon as the same can be done, but not later than the working day following that of their recovery, and must allow them to remain there until they are employed for the purposes for which they were levied, or until disposed of by the council."

R. S., c. 102,
s. 96, repla-
ced for city.

15. Section 96 of the said Cities and Towns' Act is replaced, for the city, by the following:

"96. The treasurer shall keep in due form books of accounts, in which he shall enter, by order of dates, every item of receipts and expenditure, mentioning also the names of the persons who shall have paid the moneys in his hands or who shall have received some from him; and he shall keep in his office all the vouchers of the expenditure."

Books of
accounts.

16. Section 104 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 104, replaced for city.

"104. The council, at its first sitting after the general elections, or as soon thereafter as possible, shall appoint one or two auditors, who shall remain in office until the entry into office of their successors."

Appointment, etc.,
of auditors.

17. Section 123 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 123, replaced for city.

"123. The following persons cannot be nominated for the office of mayor or alderman, nor be elected to such offices, nor be appointed or fill any other municipal office:

Persons disqualified
from municipal office.

1. Aliens;
2. Minors;
3. Persons in holy orders, and the ministers of any religious denomination;
4. Members of the Privy Council;
5. Judges or magistrates, registrars, prothonotaries, clerks of the magistrate's courts, and all other officers receiving emoluments from the Federal or Provincial governments, or from the municipality;
6. Officers on full pay of His Majesty's army or navy;
7. Keepers of taverns, hotels or houses of public entertainment, and persons who have acted as such within the preceding twelve months;
8. Whosoever has had no residence or principal place of business in the municipality for at least twelve months previous to the election or nomination;
9. Whosoever has, directly or indirectly, by himself or his partner, any contract with the municipality.

The word "contract", used in this section, does not include a lease, sale or purchase of land, nor a loan of money, nor an agreement in connection with any of such matters. Nevertheless, a shareholder in an incorporated company which has any contract or agreement with the municipality, or which receives any grant or subsidy therefrom, shall not be disqualified from acting as a member of the council; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to such company;

10. Whosoever cannot read or write fluently, even though he can read print or write his name, or do both;

11. Any person convicted of treason or of any criminal offence punishable by imprisonment for two years or more;

12. Whenever the office of mayor or alderman is in question, any persons who are responsible for moneys belonging to the municipality, or who are sureties for any employee of the council, or who receive any pecuniary allowance or other consideration from the municipality for their services;

13. Whosoever has not paid all his municipal dues, with the exception of such amounts as remain to be paid owing to involuntary error or omission."

R. S., c. 102, s. 128, am., for city. **18.** Section 128 of the said Cities and Towns' Act is amended, for the city, by striking out:

a. the words: "and widows or spinsters", in the first line of paragraph *a* of subsection 1 thereof:

b. the words: "and every widow or spinster", in the first line of paragraph *c* of subsection 1 thereof.

Id., s. 133, replaced for city. **19.** Section 133 of the said Cities and Towns' Act is replaced, for the city, by the following:

"133. The following persons shall be deprived of their right to have their names entered on the electoral list:

1. Persons who are no longer in possession as proprietors of the property on which they were qualified when the list was made;

2. Persons who are guests or lodgers in a hotel, boarding-house or private dwelling, and not otherwise qualified;

3. Tenants of any dwelling, who, at the time of the revision of the electoral list, are no longer householders in the ward, and also tenants of any office, qualified as such, who have not actually occupied such office since the month of May next preceding, or who have ceased to occupy the same at the time of the revision of the electoral list."

R. S., c. 102, s. 135, replaced for city. **20.** Section 135 of the said Cities and Towns' Act is replaced, for the city, by the following:

"135. Prior to the first of May of each year, there shall be prepared by the clerk, or under his direction, in the manner hereinafter mentioned, a list for the municipality of the names of persons entered on the valuation roll as well as on the collection roll of the municipality and qualified to be entered in the electoral list."

21. Section 143 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 143, replaced for city.

"143. If the clerk has not made the alphabetical list of electors, or has not given or published the notice required by section 139, by the third day of May, the judge of the Superior Court for the district, or, in the event of the absence of such judge or of his inability to act, a judge of a neighbouring district, or the Magistrate's Court, on summary petition of any person entitled to be entered as an elector in the municipality, shall appoint a special clerk to prepare the alphabetical list of electors."
Appointment of special clerk in certain case.

22. Sections 173 and 173a of the said Cities and Towns' Act are replaced, for the city, by the following sections: R. S., c. 102, ss. 173, 173a, replaced for city.

"173. The election for the mayor shall be held every two years and one alderman for each ward shall be elected every year.
Election of mayor and aldermen.

The election for mayor and aldermen shall be held on the second Monday in July, and if such day be a non-judicial day, on the following day. Date.

"173a. In case it should happen that any annual municipal election have not taken place, for any cause whatsoever, on the day on which, in pursuance of this act, it should have been held, the city council shall not on that account be dissolved. If election not held.

It shall be the duty of those of the members of the said council, who shall not have gone out of office, to hold a meeting presided over by the mayor, or by the alderman who shall have been appointed to preside at the election, if there be no mayor, for the purpose of fixing as early a day as possible for holding such election; and in such case, the notices and proclamations required by this act shall be posted up and published during eight days only, instead of fifteen."
Duty of council in such case.

23. Section 175 of the said Cities and Towns' Act, as amended by the act 21 George V, chapter 55, section 1, is replaced, for the city, by the following: R. S., c. 102, s. 175, replaced for city.

"175. Ten days at least before the first Monday of July, at noon, in the year in which a general election is to be held, the returning-officer, by a commission under his hand, in the form 5, shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one first appointed resigns, or refuses or is unable to perform his duties as such clerk."
Appointment of election clerk.

R. S., c. 102, s. 179, am., for city. **24.** Section 179 of the said Cities and Towns' Act, as amended by the act 21 George V, chapter 55, section 2, is amended, for the city, by replacing the words: "twenty-fifth day of January", in the first and second lines of the first paragraph thereof, by the words: "first Monday in July".

Id., s. 181, replaced for city. **25.** Section 181 of the said Cities and Towns' Act, as amended by the act 21 George V, chapter 55, section 3, is replaced, for the city, by the following:

Date of nomination. **"181.** The nomination of candidates at an annual election shall be held on the first Monday of July, from ten to eleven o'clock in the forenoon. If such day be a holiday, it shall be held on the first juridical day following such date, and during the same hours."

Provisions non-applicable to city. **26.** Section 185 of the said Cities and Towns' Act shall not apply to the city.

R. S., c. 102, s. 186, replaced for city. **27.** Section 186 of the said Cities and Towns' Act is replaced, for the city, by the following:

Documents to be filed with nomination-paper. **"186.** With each nomination-paper, there shall be filed:

1. A declaration from the candidate or some other person stating under oath that the candidate is a British subject and that he is duly qualified, and containing a description of the immoveable property on which such qualification is based;

2. A certificate from the clerk, establishing the value of the said property according to the valuation roll in force;

3. A certificate from the treasurer of the municipality showing that the candidate is not indebted to the municipality for taxes or water-rates."

R. S., c. 102, s. 193, replaced for city. **28.** Section 193 of the said Cities and Towns' Act is replaced, for the city, by the following:

Death of candidate. **"193.** 1. If a candidate dies after being nominated and before the closing of the poll, the returning-officer shall immediately recommence the proceedings for the election, by giving the notice mentioned in section 179, and shall fix the days for the nomination of candidates, and for the voting, leaving six days between.

Election to be held. 2. The election, in the case of this section, shall otherwise be held in the same manner as other elections under this act.

3. In his report respecting the election, the returning-officer shall forward to the municipal council a special report of the reasons which occasioned the postponement of the election.” Special report.

29. Section 195 of the said Cities and Towns’ Act, as amended by the act 20 George V, chapter 47, section 5, is replaced, for the city, by the following: R. S., c. 102, s. 195, replaced for city.

“**195.** 1. If, at the expiration of the delay fixed for the nomination of candidates for mayor or alderman, the number of candidates required to fill one or more of such offices have not been nominated, the returning-officer shall immediately recommence the proceedings for election for the office or offices so left vacant, by giving the notice mentioned in section 179, and shall fix the days for the nomination of candidates for such office or offices, and for the voting, leaving six days between.” Insufficiency of nominations.

2. The election, in the case of this section, shall otherwise be held in the same manner as other elections under this act. Procedure.

3. In his report respecting the election, the returning-officer shall forward to the municipal council a special report of the reasons which occasioned the postponement of the election. Special report.

4. If, at the expiration of the delay fixed by the returning-officer, under subsection 1 of this section, for the nomination of candidates for mayor or alderman, the number of candidates required to fill one or more of such offices have not yet been nominated, the returning-officer shall report thereon to the council and the latter shall itself fill the office or offices which were not able to be filled, and, in the event of the council not being able to sit for want of a quorum, the office or offices shall then be filled by the Lieutenant-Governor in Council.” Filling of vacancies.

30. Section 210 of the said Cities and Towns’ Act is replaced, for the city, by the following: R. S., c. 102, s. 210, replaced for city.

“**210.** The poll shall be opened at the hour of nine of the clock in the forenoon and kept open until five of the clock in the afternoon of the same day; and each deputy returning-officer shall, during that time, in the polling-station assigned to him, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling-station.” Hours of polling.

R. S., c. 102, s. 220, replaced for city. **31.** Section 220 of the said Cities and Towns' Act is replaced, for the city, by the following:

Calling upon electors to vote. **"220.** Immediately after the ballot-box is locked, as above provided, the deputy returning-officer shall, at nine o'clock precisely, call upon the electors to vote.

Voters not to be impeded. The deputy returning-officer shall secure the admittance of every elector into the polling-station, and shall see that he is not impeded or molested at or about the polling-station."

Provisions non-applicable to city. **32.** Sections 341a, 342, 343 and 344 of the said Cities and Towns' Act shall not apply to the city.

R. S., c. 102, s. 345, replaced for city. **33.** Section 345 of the said Cities and Towns' Act is replaced, for the city, by the following:

Place of sittings. **"345.** The council shall sit in the apartment known as the Council Room in the City Hall situated at the corner of Girouard and Rosalie streets, until another place within the municipality is fixed by resolution of the council, and the council may, in like manner, change the same whenever it thinks fit".

R. S., c. 102, s. 346, replaced for city. **34.** Section 346 of the said Cities and Towns' Act is replaced, for the city, by the following:

Meetings of council. **"346.** The council shall meet at least once a month, in general or ordinary session, to despatch the business of the city, and shall hold its sittings on the days and at the hours which it determines by by-law."

R. S., c. 102, s. 348, replaced for city. **35.** Section 348 of the said Cities and Towns' Act is replaced, for the city, by the following:

Quorum, etc. **"348.** The absolute majority of the members of the said council shall consist of at least one half of the aldermen in office and of the mayor and shall form a quorum for the despatch of business; and all contested questions shall be decided by the majority of the members present, but to amend, suspend or repeal any rule or by-law, no motion to that effect, regularly before the council, may be passed and carried out unless it has received the vote of three-fifths of the aldermen."

R. S., c. 102, s. 362, replaced for city. **36.** Section 362 of the said Cities and Towns' Act is replaced, for the city, by the following:

Notices. **"362.** Every notice shall be either special or public, and shall be in writing.

Publication, etc. Public notices shall be published; special notices shall be served."

37. Section 427 of the said Cities and Towns' Act, as R. S., c. 102, amended by the act 16 George V, chapter 51, section 1, is s. 427, amended, for the city: am., for city.

a. By adding thereto, after paragraph 11 thereof, the following paragraph:

"11*a.* To establish and maintain outside of the municipi- Municipal pality, without consideration of the limits prescribed by dumps. the regulations of the Provincial Bureau of Health, but subject, as to the site, to the approval of the Lieutenant-Governor in Council, upon the recommendation of the Provincial Bureau of Health, any municipal dump which the council may deem to be in the interest of the municipi-
pality to establish;"

b. By adding thereto, after paragraph 32 thereof, the two following paragraphs:

"33. To prevent inundations by the rising of the waters Preventing of the river Yamaska, opposite the city, and to establish inundations. plans in conformity with which the sewers of any building having a basement must be constructed, and to free the city from liability to the owners of such buildings who refuse to comply with the said by-law, for all damages caused by flooding;

"34. To regulate the number and dimensions of the Regulating arches to be created in the construction of bridges across arches. the said river."

38. The said Cities and Towns' Act is amended, for the R. S., c. 102, city, by adding thereto, after section 428 thereof, the fol- s. 428*a*, lowing section: added for
city.

"**428*a.*** It shall be lawful for any police officer or constable of the city, to apprehend on view every loose, idle and disorderly person, that is: any person whom he shall find disturbing the public peace, or in a state of intoxication or whom he shall have just cause to suspect of any evil designs, or whom he shall find lying, loitering, either by night or by day, in any field, highway, yard, or other place, and every prostitute or person wandering by night or by day, or found lying down, loitering or sleeping in any barn, shed, outhouse or other building unoccupied, or in the open air, or under any tent, cart, wagon or other vehicle, not giving a satisfactory account of himself or herself, and every person causing a disturbance in the streets or highways, by shouting or otherwise, and to deliver any person so apprehended into the custody of the officer or constable appointed under this act, who shall be in attendance at the nearest police station, in order that such person may be so secured until he can be brought before any one Power of police officer to arrest certain persons.

or more justices of the peace, residing in the said city, to be dealt with according to law and the provisions of this act; and it shall further be lawful for the said justice or justices, by whom any such loose, idle or disorderly person shall be convicted of any of the said recited offences, on confession, or on the evidence under oath of one or more credible witnesses, to adjudge that such person shall pay a fine not exceeding twenty dollars and the costs taxed by the said justice or justices, either immediately or within such period as may be thought fit; and in default of such payment, either immediately or within the time appointed as aforesaid, such person may be imprisoned in the said common gaol or house of correction or the town prison, at hard labor, for a time not exceeding two calendar months, the imprisonment, however, to cease upon payment of the fine imposed and costs."

R. S., c. 102,
s. 429, am.,
for city.

Public fran-
chises and
exercise
thereof.

39. Section 429 of the said Cities and Towns' Act is amended, for the city:

a. By replacing paragraph 12 thereof by the following:
"12. To regulate and control the exercise, by any person or corporation, of any public franchise or privilege in any of the streets or public places in the municipality, whether such franchise or privilege has been granted by the municipality or by the Legislature, saving acquired rights. The council may grant one or more exclusive franchises to operate, upon such conditions as it may prescribe and for a period of not more than twenty years, an autobus service within the city. The same, however, shall be subject to the control and jurisdiction of the Quebec Public Service Commission;"

Wires, etc.,
in streets,
etc.;

b. By replacing paragraph 16 thereof by the following:
"16. To prohibit or regulate the suspension of wires along or across streets, alleys and public places; to require any and all wires, within prescribed limits, or throughout the municipality, to be placed as it may designate, beneath the surface of the streets or elsewhere, and require any poles already erected or wires already suspended to be removed, and the wires likewise placed in conduits beneath the surface of the street or elsewhere, and to compel any or all wires, pipes and conduits to be placed in a common area beneath the surface or elsewhere, upon such terms as it may designate; to establish and maintain poles in the streets of the city, and to compel any telegraph, telephone or electric company to place its wires, piping and conduits on such poles, upon the conditions determined by the parties interested, or, failing an agreement, by the Quebec Public Service Commission.

The municipality may, through its officers, agents, servants or workmen, enter into and upon the lands of any person, including lanes, yards and buildings, for the purpose of placing wires and their accessories on the surface or under the ground without the previous consent of the owners or occupants of the said properties, but subject to the payment of a just indemnity to be fixed under the provisions of this charter respecting expropriations, but it shall not be necessary, however, to first obtain the permission of a judge before taking advantage of the powers granted to the city by this section;"

c. By replacing paragraphs 19 and 20 thereof by the following paragraphs:

"19. To prescribe the measures the council may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses and other buildings, and, for that purpose, determine the manner in which sidewalks and roofs shall be kept; any person obliged by law to care for any sidewalk or roof, being responsible towards the municipality for damages resulting from his neglect to fulfill his obligations in such respect and being liable to be called in warranty by the municipality in any case instituted against it for damages;

"20. Owners of buildings, having any projections draining on to the sidewalk or occasioning an accumulation of snow or ice on such sidewalk which renders circulation dangerous, shall be responsible for any damage caused by said dripping or accumulation, and shall be obliged to have such causes of accident removed themselves, even in the case where the city has undertaken the removal of the snow and the ordinary maintenance of the sidewalk."

40. The said Cities and Towns' Act is amended, for the city, by inserting therein, after subdivision 9 of Division XII thereof, the following subdivision and sections:

"§ 9a. Outside Stairs

"432a. It is forbidden to erect outside stairs, leading to any floor other than the ground-floor, on the face of buildings and houses in the city of St. Hyacinthe, save where facing the yard.

"432b. The city council is authorized to impose an annual tax of twenty-five dollars on every immoveable of a value of four thousand dollars or less, and of fifty dollars on every immoveable of a greater value, on which outside stairs erected since the 15th of March, 1928, are kept.

Rights safe-
guarded.

This section does not deprive the city, nor anyone, of the right to cause any outside stairs erected in contravention of its charter to be removed, but in the event of the proprietor removing the outside stairs taxed, the city shall refund to him the tax imposed for the current year, if it has been paid, or remit same, if unpaid."

R. S., c. 102,
s. 433, repla-
ced for city.

41. Section 433 of the said Cities and Towns' Act is replaced, for the city, by the following:

Establish-
ment, etc.,
of water-
works, etc.

"433. The council may make by-laws to provide for the establishment or acquiring, maintenance, management and regulation of waterworks, public wells, cisterns or reservoirs, to supply water to the municipality, and to instal hydrants, fountains, public drinking places and apparatus for filtering and purifying water."

R. S., c. 102,
s. 442, repla-
ced for city.

42. Section 442 of the said Cities and Towns' Act is replaced, for the city, by the following:

By-laws for:

"442. The council may make by-laws:

Use, etc., of
water;

1. To prohibit any occupant of a house or building supplied with water from the waterworks, from furnishing such water to others, or from using it otherwise than for his own use, or from wasting it;

Certain
apparatus;

2. To prescribe the size, quality, strength, and location of the pipes, valves, cocks, cisterns, water-closets, baths, and other similar apparatus;

Rate for
water, etc.;

3. To establish the rate for water, in addition to the special taxes mentioned in sections 439 and 441; to supply meters for buildings or establishments, for measuring the quantity of water used therein; and to fix the amount to be paid for the water and rent of meters:

Pollution,
etc., of
water;

4. To prevent the pollution of the water in the waterworks and reservoirs and the practising of frauds upon the municipality with regard to the supply of water from the waterworks;

Payment of
annual
water-rate;

5. To provide that the annual water-rate shall be divisible, due and payable by bimestrial or trimestrial instalments, and within such delays as it shall deem proper to fix, and that the instalments of such water-rate, of the price of water and of the sewer tax be subject to an additional charge of two per cent if not paid within the delays fixed by the by-laws but within the three days following the expiration of the said delays, and of ten per cent if they are paid after the expiration of the said three days;

6. To provide for any other matter or thing of any nature or kind whatsoever, having reference to the water-works, which it may be necessary to regulate or determine for the proper working of such water-works." Water-works generally.

43. Section 443 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 443, replaced for city.

"443. The municipality may make a special agreement with consumers for the supply of water in special cases, where it is considered that there is more than the ordinary consumption of water. but in no event shall the amount payable be less than that which would have been fixed if it had been established by the by-law imposing the water-rate." Special agreement.

44. The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 444 thereof, the following section: R. S., c. 102, s. 444a, added for city.

"444a. The price of water, when established by a rate based on the annual value or the real value of the immovables served, or imposed for the use of any moveable property whatsoever, constitutes a tax and such price is the value as of merchandise when water is sold by quantity. In both cases the sums due do not bear interest." Price of water deemed tax.

45. Section 448 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 448, replaced for city.

"448. When a dwelling-house or other building is occupied by two or more tenants, subtenants or families, the municipality may require from the owner that a separate and distinct service pipe be provided by him for each such tenant, subtenant or family, occupying separate apartments, such service pipe being equipped with a stop-cock in the cellar of the said house or building and approved by the waterworks superintendent, so that the municipality may at all times have control over the supply of water furnished to each tenant, subtenant or family, as in the case of single tenanted houses; and if the property-owner, after being notified in writing to that effect by an officer of the council, refuses or neglects to comply with the requirements of this section within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of the rates imposed for the water so supplied to the said tenants, subtenants or families; and such liability on the part of the property-owner shall continue so long as he does not comply with the requirements aforesaid." Separate pipes for each tenant.
Obligation of proprietor.

R. S., c. 102, ss. 449a, 449b, added for city. **46.** The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 449 thereof, the following sections:

Compensation for water. **"449a.** The council may enact, by by-law, that the compensation for the use of water shall, in all cases, be paid by the property-owner.

Certain sums due to constitute privileged debt. **"449b.** The sums due to the city of St. Hyacinthe for water supplied to proprietors, tenants, subtenants or occupants are privileged debts affecting the immoveables to which water is so supplied, and shall rank immediately after municipal taxes, saving the recourse of the proprietor against his tenant, subtenant or occupant, with the lessor's privilege.

Removal of responsibility. It shall, however, be lawful for any proprietor to relieve himself from such responsibility as regards his tenant, subtenant or occupant by giving permission to the person having charge of the collection of the water-rates for the city to shut off the pipe supplying water to his property, for such time as such tenant, sub-tenant or occupant occupies the said property and the sums due for water have not been paid.

When security to cease. Such security for payment shall also cease when such proprietor shall give a distinct and separate supply pipe to each of his tenants and subtenants or occupants.

Stopping of supply of water. In any case, the council may stop the supply of water to persons who do not pay for the same or who allow it to be wasted unnecessarily or unreasonably, and further forbid any person from giving or supplying water to persons from whom the council shall have shut off the same or to allow them to take any water, under a penalty not exceeding ten dollars."

R. S., c. 102, s. 454a, added for city. **47.** The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 454 thereof, the following section:

Approval for by-laws. **"454a.** Every such by-law, before coming into force, must be approved by the affirmative vote of the majority in number and in value of the electors who are property-owners and who have voted on such by-law, and by the Lieutenant-Governor in Council."

R. S., c. 102, ss. 464a-464y, added for city. **48.** The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 464 thereof, the following subdivision and sections:

"12a.—*Management of electric system*

"**464a.** The municipal council is authorized to pass any by-law to establish a commission to exercise all powers conferred upon the city for the administration of any system for producing, distributing and selling electricity which it may construct or operate. Such by-law may limit the delegation to the commission to certain powers stated in the by-law and shall be subject to the restrictions made under this act. Establishing
of electric
commission.

"**464b.** The commission shall consist of five members, two to be chosen outside of the council, two from among the aldermen and the mayor being a member thereof *ex-officio*. Composition.

"**464c.** The commission shall be called Municipal Electric Commission of St. Hyacinthe. Name.

"**464d.** The members eligible shall be appointed by the council each year, at the first regular sitting after the annual election of the members of the council. Appoint-
ments
thereto.

"**464e.** The first election of the eligible members of the commission shall be held at the first general meeting following the passing of the by-law creating the commission. The term of office of the first members of the commission shall expire upon the appointment of their successors which must be made at the first general meeting after the ensuing annual election. First elec-
tion of
eligible
members.

"**464f.** The elected members of the commission are afterwards appointed for one year. Their term of office expires with the appointment of their successors which must be made every year at the first general meeting following the annual election. If such appointment be not made at such meeting it must be subsequently made as soon as possible and the members appointed in the previous year shall continue in office until the appointment of their successors. Appoint-
ment and
term of
office of
elected
members.

"**464g.** The services of the members of the commission shall be gratuitous but the council may pay the commissioners any legitimate expense they may make in the exercise of their office and in the interest of the city. No remun-
eration.

"**464h.** The commission shall itself elect its chairman. Chairman.

"**464i.** The sittings of the commission shall be public and any disputed question shall be decided by the majority of votes. The chairman, in addition to his ordinary vote, shall be entitled to a casting-vote in the event of a tie. Sittings, etc.

- Quorum. "464j. The quorum necessary for the holding of a meeting shall be three members, the chairman being deemed to be a member.
- Appointing of employees. "464k. The council must make the appointment of the employees and fix the salaries but appointments can only be made on the recommendation of the commission if the latter is in existence.
- Secretary. "464l. The city clerk is *ex-officio* secretary of the commission but shall draw no salary as such.
- Treasurer. "464m. The city treasurer shall be *ex-officio* treasurer of the commission but shall not be entitled to any additional salary as such.
- How tariff to be based. "464n. Every tariff made by the council for the sale of electricity must be based exclusively on the amount used by the consumer, no preference to be made on account of the nature, occupation or rank of the consumer.
- Uniform tariff. "464o. The tariff must be uniform for each category for all customers.
- Preferential arrangements prohibited. "464p. The municipal council is prohibited from effecting any preferential arrangement with any customer or category of customers and shall not have power to remit any charge, or any account or part of an account owed to the city for electricity for any reason whatsoever.
- No selling under cost price. "464q. The council shall not have power to sell electricity under cost price for any reason whatsoever, interest on the invested capital and depreciation to be considered in all cases as affecting the cost of the current.
- Classes of consumers. "464r. For lighting purposes, the tariff may establish only three classes: the first consists of customers using electricity for housekeeping purposes only and is called "Domestic Service"; the second comprises all customers using current for lighting other than in a private house or a factory and is called "Commercial Service"; the third comprises all customers using electricity for the lighting of a factory employing more than ten persons and is called "Industrial Service."
- Deposit may be exacted. "464s. The council may require from every customer a deposit equal to the maximum charge which the said customer may have to pay for a term, but in no event shall such deposit be less than three dollars. This deposit shall not bear interest and must be handed back to the customer when, for any reason, he ceases to take the current, less what he may owe to the city for electricity.

"464t. The council may grant a discount of ten per cent from the tariff in force for payment within ten days of the sending of the account. Neither the council nor the treasurer may remit such discount when the account is not paid in time, confiscation of the discount being deemed to be a penalty for infringement of the by-law establishing the tariff. The council may, however, enact in its by-law that a discount of eight per cent may be granted to the persons who pay their invoices within three days after the expiration of the delay for payment with the full discount. Granting of discount.

"464u. On or before the twentieth day following the expiration of such delay, the treasurer must, by letter by mail or by a special notice, notify the customer in default that if his account be not paid before the seventh day after the service or sending of the notification, he will have the current cut within three days after the additional delay. Notification to customer in default.

"464v. The council shall not have power to relieve the treasurer from such obligation and in the event of the treasurer not having this provision enforced he shall be personally responsible for the payment of the account in arrear and any ratepayer may bring suit against him before the recorder's court, the district magistrate's court or the Superior Court, as the case may be, to compel him to pay the amount owing to the city. Obligation upon treasurer.

"464w. The city is authorized to sell electricity for lighting, heating or power purposes in the municipality of St. Hyacinthe le Confesseur, and in the municipalities of the village of La Providence and of the village of St. Joseph. Outside sales authorized.

"464x. The city of St. Hyacinthe is authorized to adopt and put in force any by-law to impose a special tax on the bordering property-owners to defray part of the cost of installing underground conduits for electricity and for establishing a system of ornamental street-lighting. In no event, shall the cost exceed three dollars per lineal foot, and the payment must be divided into ten annual instalments, bearing interest at six per cent per annum, the debtor having always the option of paying the entire amount or the balance of the principal owing. When underground conduits or ornamental lights are placed along the depth of lots, the owner cannot be forced to pay more than for the number of feet equal to fifty per cent of the total depth. Defraying of cost of certain installations.

"464y. The municipal council is authorized to take and use, out of the sum of three hundred and ten thousand dollars voted by its by-law number 446, the balance re- Using of balance of certain sum authorized.

maining, to purchase an additional series of Diesel motors and electric generators or acquire one or more water-powers."

R. S., c. 102, **49.** Section 469 of the said Cities and Towns' Act is s. 469, am., amended, for the city:
for city.

a. By replacing paragraph 12 thereof by the following paragraph:

Business
license;

"12. To impose a tax in the form of a license upon every person, firm or company opening a place of business within the city, the cost of which license may be different according to the kind of business to be carried on and may be based upon the annual value of the premises to be occupied. Such license shall be called "License to open a place of business";"

b. By replacing paragraph 21 thereof by the following paragraph:

Hay and
straw, etc.;

"21. To provide for and regulate the place and manner of selling hay and straw, coal, lime, stone and all other building material, and measuring and selling firewood;";

c. By adding thereto, after paragraph 21 thereof, the following paragraphs:

Gasoline
pumps;

"22. To impose a license on pumps used for the sale of gasoline, the cost of such license being variable according as pumps are installed for service on private property or on public property, or partly on one and partly on the other;

Tonsorial
establish-
ments;

"23. To have barbers' and hairdressers' shops close in the evening of every day of the week or any day the council may wish, provided it be not earlier than seven o'clock in the evening;

Price of any
permit, etc.

"24. To fix the price of any permit or license authorized by this section or by other sections of the charter, whether such permit or license be for a day, a month or a year."

R. S., c. 102, **50.** The said Cities and Towns' Act, is amended, for ss. 484a- the city, by adding thereto, after section 484 thereof, the 484i, added following subdivision and sections.
for city.

"§24a.—Working-fund

Creation of
"working-
fund".

"**484a.** For the purpose of placing at the disposal of the council the moneys which it may need to meet the expenses of the city at the beginning or during a fiscal year while awaiting the receipt of the funds produced by the taxes, licenses or other revenue of the same year and to execute certain work of public utility which is not simply

maintenance but the material duration whereof is not sufficiently long to authorize a long term loan, a sinking-fund is hereby created to be known as "working-fund".

"**484b.** The principal of such fund shall be one hundred thousand dollars and it shall be formed from an equal amount of arrears of taxes owing to the city on the 31st of December of the year 1931, not appropriated in the budget for 1932. Such arrears of taxes and the proceeds of the principal thereof shall be specially appropriated to this fund and the amount realized in 1932 may be replaced by an equal amount of the arrears of that year." Principal of same.
How formed.

"**484c.** As the arrears become converted into money through collection, the treasurer shall place them in a special account and the council may use such moneys to purchase municipal bonds which shall remain in the assets of such account and may be given by the council as security for any loan which it may make to procure the moneys which it may need to make advances to the treasurer, in accordance with the provisions of this subdivision." Placing and using of money.

"**484d.** The principal of this fund must always be intact and the municipal council is authorized to complete the fund by specially appropriating good and valid arrears of taxes at the end of each fiscal year." Principal to be kept intact.

"**484e.** The municipal council may, by mere resolution, advance to the municipalities liable by law for the maintenance of the bridges over the Yamaska river, out of the working-fund and at a rate of interest not exceeding six per cent per annum, any sums which they may wish to borrow to make payment of their proportion in the said expenses, but for a term not to exceed three years." Loans to certain municipalities.
Term limited.

Such municipalities, to wit, the corporation of the village of St. Joseph d'Yamaska, the corporation of the village of La Providence, the corporation of the parish of Notre-Dame, are authorized to effect the above-mentioned loans on the approval of the Municipal Commission. Municipalities allowed to borrow.

"**484f.** The municipal council may also borrow from such fund the moneys which it may need to do any work not being mere maintenance but for a term not exceeding three years and the resolution authorizing the loan must order that the sums so borrowed shall be repaid partly out of the revenues of the then current fiscal year and the balance out of future years, and, in the event of insufficiency of the general revenues, a special tax shall be imposed in conformity with the provisions of the charter to complete each payment." Borrowing from fund by council.
Repayment.

Interest on
fund.

"484g. The interest on the working-fund shall be appropriated as ordinary receipts of the fiscal year during which they accrued.

Use
restricted.

"484h. The principal or part of the principal of such fund shall never be used for other purposes than those mentioned in this subdivision.

Appropriation from
city revenues in cer-
tain event.

"484i. If, at any time, the accounts composing the assets of this fund show that the money on hand, the municipal bonds, the arrears of taxes appropriated to the fund, the credits against the general funds of future fiscal years, the claims against the neighbouring municipalities, aggregate in value less than one hundred thousand dollars, the municipal council must, in the first budget after such finding, appropriate from the revenues of the city a sufficient amount to complete the fixed capital of one hundred thousand dollars."

R. S., c. 102,
s. 487, replaced
for city.

51. Section 487 of the said Cities and Towns' Act is replaced, for the city, by the following:

Entry of
annual
value of im-
moveables.

"487. When the rent agreed upon for such property does not represent the annual value, the assessors shall enter on the valuation roll the real annual value, which alone shall serve as a basis for the imposition of taxes."

R. S., c. 102,
s. 519, replaced
for city.

52. Section 519 of the said Cities and Towns' Act is replaced, for the city, by the following:

Prescription
of taxes.

"519. Arrears of municipal taxes shall be prescribed by three years.

Restriction.

No one may plead prescription to clear himself of the arrears of taxes for paying and of the special taxes imposed from the year 1919 to the 31st of December, 1933."

R. S., c. 102,
s. 520, replaced
for city.

53. Section 520 of the said Cities and Towns' Act, is replaced, for the city, by the following sections:

Property
not taxable.

"520. The following property shall not be subject to taxation:

- a. All lands belonging to His Majesty, or held in trust for the service of His Majesty;
- b. The property of the Federal and Provincial Governments and the municipal corporation;
- c. Property held and occupied for public worship, the episcopal palace, presbyteries, parsonages and cemeteries;
- d. All educational establishments, as well as the land upon which the same are situated, and all buildings or lands used for libraries open to the public free of charge;

- e. All buildings and lands occupied and possessed by a charitable establishment and those occupied and possessed by *Les Sœurs Adoratrices du Précieux Sang* of St. Hyacinthe; but the property possessed by religious institutions, as well as charitable and educational corporations, for the purpose of deriving a revenue, shall not be exempt from taxation.

Provided, nevertheless, that the said exemption shall not Proviso. extend to lands or to buildings erected upon lands leased or occupied under lease from the Government; and the said lands belonging to the Government, and occupied under lease, shall be assessed in the same manner as any other immoveable property, and the assessment shall be paid by the lessee or occupant as if they were assessed against the lessee or occupant personally.

“**520a.** 1. Notwithstanding any provision in this or any Certain pay- other act, the properties, declared not to be subject to ments in lieu taxation by paragraphs c, d, and e of the foregoing section of taxes. 520, shall pay, in lieu of all taxes. whether general or special, with the exception of those mentioned in this section, the cost of the permanent paving of the streets, the making of sidewalks and sewers, in front of the same, in the following proportions: on the cost of making the permanent paving, for one-half the width of the street along the front; the total cost of making the sidewalk contiguous to the front; one-half the cost of making the sewer in front for the length of such front, limited to a sewer twelve inches in diameter to a depth of eight feet under ground.

When such work shall have been or be executed parallel When pay- to the line of the depth of a lot, only one-half of the depth ment shall be payable for such work. restricted.

2. The cost of such work shall be established by the Establish- vouchers of the city council, and shall be payable within ing of cost. thirty days from the sending of the account, unless another mode of payment is agreed upon with the consent of the council and the debtors.

3. This obligation shall apply to works done since the Application. fifth of March, 1915, and those which may be done in future.

4. Moreover, such properties shall be liable to the annual Additional tax for their proportion, according to the valuation roll, obligation. of the amount spent during the year for lighting the streets and public places of the municipality, as well as their share of the special tax for the maintenance of streets, public places, paving, sidewalks, and sewers, and the payment for the use of water.

Water tax
only.

5. *L'Hôtel Dieu* and *L'Ouvroir Sainte Geneviève* shall however be exempt from all taxes except those for the use of water."

R. S., c. 102,
s. 522, repla-
ced for city.

54. Section 522 of the said Cities and Towns' Act is replaced, for the city, by the following:

Taxation of
farming
lands, etc.

"522. All land under cultivation or farmed, or used as pasture for cattle, as well as all uncleared land or wood lots, within the municipality, shall be taxed to an amount of not more than three-fourths of one per cent. Nevertheless such properties are and always have been subject to all taxes imposed for the making, paving and maintaining of streets, roads, sidewalks and sewers, and for the lighting of streets and public places.

Additions to
valuation
roll.

The council may cause to be added to the valuation roll from time to time, by the assessors in office, on the valuation by them made, any portion of such land, which has been detached therefrom as a building lot, and shall thus have become liable to taxation after the closing of the valuation roll, and may exact the said tax as upon all other lots entered on the roll."

R. S., c. 102,
s. 523, repla-
ced for city.

55. Section 523 of the said Cities and Towns' Act is replaced, for the city, by the following:

Annual
tax on:

"523. The council may impose and levy the following annual taxes:

Trades, etc.

1. On all trades, manufactures, financial or commercial establishments, occupations, arts, professions, callings or means of earning a profit or a livelihood, carried on or followed by one or more persons, firms or corporations in the municipality, a business tax at the rate of seven and one half per cent of the annual value of the places occupied, in the said city, for such purposes, in addition to an annual duty or tax which the council may impose or levy for the carrying on of each of said trades, occupations, arts, professions, commerces, industries or means of profit or livelihood.

Certain
tenants, etc.

2. A tax not exceeding four per cent of the annual value of the premises occupied, as entered on the valuation roll, on all tenants or occupants of an immoveable or of part of an immoveable, by other title than that of owner or of ratepayer liable for the payment of the business tax on the property so occupied. Such tax may be divided into bi-monthly or trimestrial instalments and shall be collected in the same manner and at the same time as the tax for the consumption of water and may be recovered before the

courts by following the same formalities. It shall not bear interest and may be paid by bimestrial or trimestrial payments.

The proceeds of such tax shall be paid over to the general fund to effect payment of part of the sums due for the construction of the city sewers and of part of those which may hereafter become due for the proportion payable by the general revenues of the city and shall be designated "sewer tax".

56. The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 525 thereof, the following sections:

"525a. The council may impose and levy a yearly tax of two dollars on every person of either sex, aged twenty-one years and over, who works for a salary in the city and who pays no tax under the charter and by-laws of the city.

"525b. Any person practising in the city as an advocate, physician, land surveyor, notary, dentist, surgeon, oculist, photographer, accountant or business agent, or practising any other liberal profession, shall pay an annual tax of ten dollars."

57. Section 526 of the said Cities and Towns' Act is replaced, for the city, by the following sections:

"526. In addition to the taxes provided for in section 523, the council may establish, impose and levy certain annual dues or taxes on all trades, manufactures, financial or commercial establishments, occupations, arts, professions, callings or means of earning a profit or a livelihood, carried on or followed by one or more persons, firms or corporations in the municipality.

Such dues cannot exceed in any case the sum of two hundred and fifty dollars and may be different according as the persons, firms or companies, subject thereto, have or have not resided for the past twelve months in the municipality. But, in no event, can the due imposed on any person, firm or company, not residing for the past twelve months in the municipality, exceed by more than fifty per cent the due imposed on the other residents.

"526a. In addition to the other licenses and taxes imposed or imposable and leviabale under its charter, the city of St. Hyacinthe may impose upon all persons, firms or companies using gas or electricity for lighting, heating or power, and upon those using the telephone, a tax not exceeding

three dollars per annum for each electric or gas service used and five dollars per telephonic instrument. The persons, firms or companies selling gas or electricity or supplying the telephonic service shall be bound to collect such taxes from their customers and remit same to the municipal council in the manner and within the delays prescribed by the by-laws imposing such taxes, without prejudice to the council's right to collect them itself, in whole or in part, if it deems fit.

Commis-
sion for
collection.

Whenever the person, firm or company agrees to collect the tax, the city may grant him or it a commission not exceeding ten per cent to make such collection, and it may authorize such person, firm or company to make such collection monthly.

No entry on
collection
roll.

In the case of the preceding paragraph, the city is not obliged to enter the debtor of the tax on the collection roll, and the tax becomes due and collectable as soon as the debtor becomes subject thereto by the use of a telephone instrument or takes in electricity or gas.

Tax for con-
necting
drains.

"526b. It shall be lawful for the council to impose a tax, not exceeding five dollars, on every proprietor or occupant of lots in the city, for the purpose of connecting a drain on his property with the public drains, and to compel him to pay such amount even when he does not drain his property into the said public drains; provided there be public drains in the street in which such property is situated.

Tax on
telegraph,
etc., poles.

"526c. The council may impose and levy an annual tax for having any telegraph, telephone, electric light and power pole, in the streets or public places and roads of the city, provided such tax shall not exceed twenty-five cents per annum for each pole. Such tax shall be recoverable from the owners of the poles, and shall be due for all such poles so erected in the city, except the teegraph poles on the property of railway companies and used by such companies."

R. S., c. 102,
ss. 527,
527a, replac-
ed for city.

58. Sections 527 and 527a of the said Cities and Towns Act are replaced, for the city, by the following section:

How special
tax may be
imposed,
etc.

"527. Every special tax imposed under sections 524 to 526, inclusively, may, in the discretion of the council, be imposed and levied in the form of a license; and thereupon such tax shall be payable at such time and under such conditions and restrictions as the council may determine.

Optional
action by
council.

Notwithstanding that the by-law of the council ordering the imposition and levying of certain duties or taxes, in the form of a license, enacts an imprisonment for failure

to pay such duties or taxes, the council may at its option, instead of prosecuting for such imprisonment, sue for the recovery of the said duties or taxes, whether a license be issued or not and whether the name of the person liable for the duties or taxes be entered or not in the valuation roll or in the collection roll."

59. Section 529 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 529, replaced for city.

"**529.** Every tax imposed by virtue of the foregoing provisions shall be payable at the time fixed by the laws."

Payment
by- of taxes.

60. Section 533 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 533, replaced for city.

"**533.** Any person, not being the owner, who pays municipal taxes imposed in consideration of the immovable property which he occupies, shall be subrogated, without other formality, in the privileges of the municipality on the moveable or immovable property of the owner, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs."

Subrogation
in favour of
person
paying for
owner.

61. Section 534 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 534, replaced for city.

"**534.** Municipal taxes, imposed on any immovable property, may be collected from the tenant, occupant or other possessor of such immovable property as well as from the owner thereof, or from any subsequent acquirer of such immovable property, even where such tenant, occupant, possessor or acquirer is not entered on the valuation roll."

Parties from
whom taxes
collectable.

62. Section 535 of the said Cities and Towns' Act is replaced, for the city, by the following sections:

R. S., c. 102,
s. 535, replaced for city.

"**535.** Saving the provisions of section 533, any person, not being the debtor, who pays a municipal or school, real estate or personal, general or special tax, or the water-rates, for a third party, with the consent of the latter, is of right subrogated in the privileges of the municipality on the moveable and immovable property of the debtor and may recover from him the amount of taxes so paid. Such subrogation shall be of no effect unless the receipt given by the treasurer of the municipality, who is bound

Subrogation,
in favour of
person
paying for
third party.

to issue such receipt, states that the payment was made by a third party for the debtor. The name of such third party shall be noted in the books of the corporation.

Tax on
partners.

"535a. In the case of any tax imposed on any firm or partnership, in respect of the business of such firm or partnership, such tax may be claimed and recovered in full from any member thereof."

R. S., c. 102,
s. 537, replaced
for city.

63. Section 537 of the said Cities and Towns' Act is replaced, for the city, by the following sections:

Collection
of school
taxes.

"537. The council shall, on the requisition of the school commissioners or trustees of any school municipality situated within the city, order the treasurer to collect the taxes imposed by the school municipality by by-law or resolution, a certified copy whereof must be transmitted to the city within fifteen days from its adoption, in the same manner and at the same time as municipal taxes.

Collection
roll.

In such case, the secretary-treasurer of the school board is relieved from the obligation of making a collection roll for the taxes which must be so collected by the city."

Special tax
on owners
of lands.

"537a. The city council shall have the right to impose a special tax on all owners of lands in the said city, to meet the cost of opening, making, paving, and maintaining the streets or parts of streets, for making and maintaining sidewalks, drains and sewers, as well as the cost of construction, installation and maintenance of any system of public lighting, and also the cost of lighting streets and public places and municipal buildings, such tax to be based on the valuation roll of the immoveable properties then in force.

Allocation
of cost of
certain
works.

In connection with the cost of opening and making streets or parts of streets, less the real cost of the land, the making of pavements, sidewalks, drains or sewers, fifty per cent of the cost of the said works shall be charged to the owners of bordering properties on one or both sides of the streets according to the frontage of their property opposite which such work shall be done, and the balance shall be paid by a special tax imposed upon all immoveables taxable for such purpose, and based on the valuation roll of immoveable properties then in force; and when one or more loans are effected for paying for the latter portion of the work, the amount of such loan or loans shall be apportioned by a special tax on all immoveables taxable for such purpose, during a time sufficient for paying the capital and interest of such loan or loans.

The fifty per cent levied on the interested owners of ^{Instalment} bordering properties shall be payable in ten yearly instal- ^{payments.} ~~ments~~, with interest at six per cent per annum on the unpaid portion, the debtor having the option of paying off his apportionment in full at any time.

In the case of the construction of a sewer more than ^{Restriction} twelve inches in diameter or at a depth of more than ^{of cost of} eight feet, the portion of the cost payable by the owners or ^{certain} occupants of the bordering properties shall not exceed fifty ^{works.} per cent of the cost of a sewer twelve inches in diameter or of a sewer at a depth of eight feet; the excess shall be levied and apportioned upon all the immoveable properties in the said city, as enacted in the first paragraph of this section.

When the above work is done parallel to the line of the ^{Charge} depth of a lot, the owners of such lots shall be charged for ^{upon owners} such works only for one-half of such depth, the balance of ^{in certain} the said works and those done at the intersection of streets ^{case.} or in front of public properties, shall be levied and apportioned upon all the immoveable properties within the city, as enacted by the first paragraph of this section.

These various methods of imposing such special taxes ^{Application.} shall apply to all the works above mentioned, both those done from the year 1915, inclusive, and those done and to be done in the future."

64. The said Cities and Towns' Act is amended, for the ^{R. S., c. 102,} city, by adding thereto, after section 538 thereof, the fol- ^{s. 538a,} ^{added for} ^{city.} lowing section:

"538a. The treasurer shall have and keep open a sup- ^{Supple-} ^{mentary} ^{assessment} ^{roll.} ~~plementary~~ assessment roll to enter therein the names of all persons, firms or companies omitted from the first general assessment roll or become liable for municipal dues or licenses under some by-law of the council or indebted to the said council in any manner whatsoever.

In such supplementary roll shall be entered the day on ^{Entries} ^{therein.} which the person, firm or company became subject to the tax or license or indebted to the said council, the name and qualification of the ratepayer, the cadastral number of the property occupied by him or of that where he has his place of business, as the case may be, the number of the house and name of the street, the kind of business or nature of the debt, the amount due and the initials of the treasurer."

65. Section 564 of the said Cities and Towns' Act is ^{R. S., c. 102,} ^{s. 564, repla-} ^{ced for city.} replaced, for the city, by the following:

Redemption of certain immoveables.

"564. The owner of any immoveable sold by the clerk under the preceding provisions may, within the year next following the day of adjudication, redeem the same by repaying to the treasurer of the municipality the amount expended for the purchase of such land, with the cost of the certificate of adjudication or acquisition, with interest at ten per cent per annum.

Additional payments.

Such owner shall further, before being able to redeem his said immoveable so sold, repay to the purchaser all taxes and the amount of all public works or works between neighbours performed, and of all necessary or useful improvements such person may have made or paid for while he was in possession."

R. S., c. 102, ss. 572a-572e, added for city.

66. The said Cities and Towns' Act, is amended, for the city, by adding thereto, after section 572 thereof, the following subdivision and sections:

"§ 27a.—Reimbursement of taxes

Reimbursement of certain taxes to owners of built immoveables.

"572a. The municipal council may adopt and put into force one or more by-laws to reimburse, wholly or in part, the general and special general municipal real estate taxes to the owners of built immoveables which have become totally or partly vacant starting from the 1st of January, 1933, or which have been inhabited by indigent persons to whom the owner has remitted the rent, starting from the same date.

When effected:
Full payment of taxes;

"572b. Such reimbursement can only be made:

1. In the case where the municipal taxes have been paid in full by the claimant within three months of their falling due;

Premises vacant or rent unpaid;

2. For the proportion of months that the premises have so been vacant or inhabited by a person unable to pay his rent, but, in such case, only for the number of months for which the rent would not have been paid;

Sworn statement.

3. On production of an account under oath establishing the claiming owner's right, filed in the month of November in each year for the preceding twelve months; which account to constitute in such case a final discharge from all indebtedness for rent, for all legal purposes, for the tenant therein mentioned.

Accounts charged to expenditure.

"572c. The amount of all the accounts approved and accepted by the council shall be charged as expenditure in the budget for the ensuing fiscal year and shall be payable at the due date of the general real estate taxes for the same fiscal year.

"572d. In the case where an immoveable has been only partly unoccupied or occupied by an indigent person, the reimbursement can be made only on the proportion of the real estate valuation corresponding to the unoccupied part or part so occupied, as established by the ratio between the annual value of such part to the total annual value of the immoveable. Proportional reimbursement in certain case.

"572e. Where a claim is made for non-occupation of premises other than a private lodging, the reimbursement cannot be more than fifty per cent of the proportion of taxes otherwise subject to reimbursement. Premises other than private lodging.

67. Section 574 of the said Cities and Towns' Act shall not apply to the city. R. S., c. 102, s. 574, not applicable to city.

68. The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 577 thereof, the following section: Id., s. 577a, added for city.

"577a. The council may effect loans by the issue of bonds or debentures under the signature of the mayor, countersigned by the clerk, and under the seal of the municipality. How loans may be effected.

Such bonds or debentures shall be made payable to bearer or registered holder, at the dates fixed by the council, and shall bear interest payable yearly or half-yearly at dates to be fixed by by-law of the council, at a rate which shall not exceed six per cent. To whom bonds, etc., payable, etc.

69. Section 580 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 580, replaced for city.

"580. Every bond heretofore or hereafter issued shall be deemed to have been validly signed if it bear the signature of the mayor and of the clerk in office at the date the bond bears or at the time when it is signed. When bond validly signed.

The bearer bonds may be transferred by delivery. Transfer.

The bonds payable to any person and the bonds payable to any person or order may be transferred by endorsement. After general endorsement thereof by such person they shall be payable to bearer and be transferable by delivery. Id., by endorsement, etc.

If such bonds are payable to bearer or to the registered holder, they shall be transferable by delivery until registered in the name of the bearer or holder. After they have been registered in the name of a specified person, they may be transferred by a subsequent registration. Transfer of bonds payable to bearer, etc.

Effect of
transfer.

The transfer of such bonds, made as aforesaid, shall vest the property thereof in the transferee, and entitle him to bring action thereon in his own name."

R. S., c. 102,
s. 589, repla-
ced for city.

70. Section 589 of the said Cities and Towns' Act is replaced, for the city, by the following:

If loans
equal cer-
tain percen-
tage of cer-
tain value.

"**589.** 1. Whenever the amount of the loans contracted by the municipality, including the proposed loan but exclusive of the sums borrowed by the city for the water-works, the gas and electricity systems, for the purchase of bridges and granting of loans, bonuses or subsidies to manufactories or industries, which do not affect its borrowing power, is equal to twenty per cent of the value of the taxable immoveable property in the municipality, according to the valuation roll in force, no new loan may be contracted, nor any debt subsequently incurred, which might have the same effect on the revenues of the municipality as a loan, unless the by-law has been voted on by:

a. At least one-tenth of the number of municipal electors who are owners of taxable immoveable property, residing in the municipality, if such number in the municipality be two thousand or over;

b. At least one-eighth, if the number of municipal electors who are owners of taxable immoveable property, residing in the municipality, be one thousand or over, but less than two thousand:

c. At least one-fifth, if the number of municipal electors who are owners of taxable immoveable property, residing in the municipality, be less than one thousand.

Additional
require-
ment.

2. The by-law must, in addition, be approved by a two-thirds majority at least, in number and real value, of all the owners of taxable immoveable property who are municipal electors, whether resident or not in the municipality, and who have voted.

Immove-
ables
exempted,
counted.

3. Immoveables temporarily exempted from taxes shall be considered as taxable immoveables in establishing the figure equal to twenty per cent of the value of taxable immoveable property, under this section."

R. S., c. 102,
s. 590, repla-
ced for city.

71. Section 590 of the said Cities and Towns' Act is replaced, for the city, by the following:

Approval of
by-law by
electors in
certain
cases.

"**590.** 1. When the sums required for interest and the sinking-fund, excluding, however, those paid on debts which do not affect its borrowing power, equal one-half the general revenue from the taxes imposed under sections 521 and following, the municipality shall not contract a new loan, unless the by-law authorizing it is voted upon:

a. By at least one-tenth of the total number of municipal electors who are owners of taxable immoveable property, residing in the municipality, if such number in the municipality be two thousand or over;

b. By at least one-eighth, if the number of municipal electors who are owners of taxable immoveable property, residing in the municipality, be one thousand or over, but under two thousand;

c. By at least one-fifth, if the number of municipal electors who are owners of taxable immoveable property, residing in the municipality, be less than one thousand.

2. Such by-law must, in addition, be approved by the Additional majority in number and in real value of all the owners of requirement taxable immoveable property who are municipal electors, whether resident or not in the municipality, and who have voted.

3. It is further necessary that the by-law shall provide for Imposition the payment of the interest and the establishment of a of special sinking-fund, by imposing a special tax on immoveables, to tax. be levied yearly during the term of the loan."

72. Section 597 of the said Cities and Towns' Act is R. S., c. 102, replaced, for the city, by the following: s. 597, replaced for city.

"**597.** For all loans whatsoever which the city is Temporary authorized to contract under its charter, it may effect loans. temporary loans on treasury bonds, notes or other negotiable securities until the time for issuing a long term loan is deemed favourable. The debentures, obligations or bonds, the issue whereof is authorized under this charter, may be issued in currency of the country where the loans are negotiated."

73. The said Cities and Towns' Act is amended, for R. S., c. 102, the city, by adding thereto, after section 599 thereof, the s. 599a, following section: added for city.

"**599a.** The city council shall have full power and au- Acquiring thority to purchase real property in the city, and also out of real of and beyond the limits thereof, if it think proper so to property. do, for any purpose of public utility, and especially in order to establish a cemetery or cemeteries in or near the city, for the use and benefit of its inhabitants or of the majority of its inhabitants."

74. Section 600 of the said Cities and Towns' Act is R. S., c. 102, replaced, for the city, by the following: s. 600, replaced for city.

"**600.** The council cannot expropriate the following: Property
1. Property belonging to His Majesty, or held in trust for exempt from His use; expropriation.

2. Property occupied by the Federal or Provincial Government;

3. Property possessed or occupied by railway companies, *fabriques* or religious, charitable or educational institutions or corporations; provided the city of St. Hyacinthe has the power, for the extension of St. Joseph, Leman, Papineau, Trudeau, Bourassa, Turcot and "A" streets, for their parts situated to the southwest of Laframboise street, to expropriate any property belonging to any religious institution or corporation whatsoever. If the land is ceded gratuitously, the present owners shall be exempt from all assessments for the opening, making or maintenance of the said streets, sidewalks and sewers which may be constructed thereon;

4. Cemeteries, bishops' palaces, parsonages and their dependencies."

R. S., c. 102,
ss. 609-
609o, added
for city.

75. The said Cities and Towns' Act is amended, for the city, by inserting therein, after section 609 thereof, the following subdivisions and sections:

"§ 30.—*Encouragement of arts, sciences, etc.*

Encourage-
ment of arts
and sciences.

Proviso.

Grant to
l'Hôpital
Saint-
Charles.

Establish-
ment of
"Lawrence
Wilson
Fund".

Capital
thereof.

Inaliena-
bility, etc.,
of capital,
etc.

"**609a.** The municipal council is authorized to vote, and pay out of the general funds, such sums as it may deem advisable for the encouragement of arts and sciences, provided the aggregate amount of such grants does not exceed five thousand dollars per annum.

"**609b.** The city is authorized to make a grant, by mere resolution, of ten thousand dollars to *l'Hôpital Saint-Charles*, payable one thousand dollars per annum, without interest.

"**609c.** The council is authorized to pass a by-law to establish a fund known as "Lawrence Wilson Fund" consisting of the whole or part of the sum of five thousand dollars given to the Philharmonic Society, a body politic and corporate, having its chief place of business at St. Hyacinthe, by Senator Lawrence A. Wilson, to help it to maintain its band.

"**609d.** Such fund shall have a capital which shall not exceed fifty thousand dollars.

"**609e.** All capital deposited in such fund shall become inalienable and unseizable. The revenues produced by it shall also be non-assignable and unseizable and shall be handed, as received, to the said Philharmonic Society which shall employ same in maintaining its band.

"609f. The original fund may be increased to the Increasing of original fund. extent of the total capital hereby authorized by any gifts made by persons legally capable of disposing of their property, and the additions shall be unseizable and inalienable like the original capital and the revenues therefrom shall also be non-assignable and unseizable and must be used as are those from the original capital.

"609g. The monies composing the capital must be Deposit of monies. deposited in a chartered bank of the Dominion of Canada and must be employed, as soon as it can be done, in buying bonds or debentures of the Government of the Dominion of Canada, of any Province of Canada or of the municipalities of the Province of Quebec, and such securities must be deposited in a safety vault of a bank doing business in the city of St. Hyacinthe. The monies derived from the repayment of the principal of the bonds or debentures or from their sale must be reinvested, as soon as possible, in the purchase of other securities of the same nature.

"609h. The fund shall be administered by a joint Administration of fund by joint-committee. committee of three members of the municipal council and of three directors of the Philharmonic Society. The first committee shall be appointed as soon as possible, after the coming into force of the by-law of the municipal council establishing the fund, the municipal council appointing its three representatives and the board of directors of the Philharmonic Society its three. The first meeting of the committee shall be called by the mayor of the city by the same special notice to the members of the committee as is given to the aldermen for the calling of a special meeting.

"609i. The chairman of the committee shall be ap- Appointing, etc., of chairman. pointed by the members of the committee by a majority vote. He shall, in addition to his ordinary vote, have a casting-vote, in the case of a tie, on any disputed question.

"609j. The members of the committee shall receive No remuneration. no salary or compensation for holding office.

"609k. In the event of a vacancy in the committee, In event of vacancy. the corporation to which the former committeeman belonged must appoint his successor forthwith.

"609l. The committee is authorized to make by-laws By-laws. not inconsistent herewith for its internal management.

"609m. In the event of the dissolution of the Phil- If Philharmonic Society dissolved. harmonic Society, the capital of the fund shall become the property of the Government of the Province which shall dispose thereof as it deems fit.

§ 31.—*Transitory provisions*

Construc-
tion of cer-
tain annex.

Using of
balances of
certain loans
therefor.

“**609n.** The city is authorized to adopt any by-law to use for the construction of an annex to the present City Hall building situate at the corner of Girouard and Rosalie streets certain loan balances remaining available because the works ordered by the by-laws enacting same have been executed for less than was anticipated, the said balances being as follows: by-law 386 \$1,250.00; by-law 399, \$2,936.47; by-law 413, \$1,968.03; by-law 425, \$3,200.00. These balances forming a total amount of \$9,354.50 which, added to the sum of \$10,000.00 given to the city by Hon. Lawrence A. Wilson for the erection of the said annex, makes a grand total of \$19,354.50 which may be applied to the construction of the said annex without the by-law being subject to approval other than that of the city council, of the Quebec Municipal Commission and of the Lieutenant-Governor in Council.

§ 32.—*Previous provisions repealed*

Provisions
repealed.

“**609o.** The provisions of the act 51-52 Victoria, chapter 83, and the acts which directly or indirectly amend it, are repealed:

1. In cases where this charter contains any provision which has expressly or impliedly that effect:

2. In cases where they are contrary to or inconsistent with any of the provisions of this charter.

Effect of
repeal.

However, except when the text or context so declares or infers, such repeal shall not have any retroactive effect, and especially shall not affect the matters, things, acts, operations or proceedings done or commenced and the vested rights acquired prior to the coming into force of this charter, nor the resolutions, decisions, orders, or other proceedings of the council, debentures, notes, shares, or bonds, the by-laws, real estate assessment rolls or apportionment or other rolls, or voters' lists, prepared prior to such coming into force, nor the rights and duties of civic officers and employees, or of the recorder in office, who shall continue to discharge the duties of their offices until they have been replaced according to the provisions of this charter; but all such matters or things, acts, operations, proceedings, resolutions, decisions or orders, debentures, notes, bonds, by-laws, rolls and lists, shall continue to be regulated by such acts, until they are changed, altered, replaced or repealed by any proceedings adopted in virtue of this charter.

This charter, save when it contains provisions differing from those contained in the previously existing laws affecting the city, shall not be held to operate as new law; but it shall be construed and shall have effect as a consolidation, and as declaratory of the law as it existed at the time of its coming into force.” <sup>Interpreta-
tion.</sup>

76. This act shall come into force on the day of its sanction. <sup>Coming into
force.</sup>

