



## CHAPTER 95

An Act to consolidate the charter of the city of Quebec

[Assented to, the 4th of April, 1929]

**W**HEREAS the city of Quebec has, by its petition, Preamble. represented that it is necessary for the proper administration of its affairs that its charter, the act 29 Victoria, chapter 57, and the acts amending the same, be revised and consolidated, and, whereas it is expedient to grant such prayer;

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

### SECTION I

#### *Interpretative Provisions*

**1.** Whenever the following words occur in this act, they shall, unless the context otherwise requires, be understood as follows:

a. The word "council" shall mean the council of the city of Quebec;

b. The word "city" and the word "corporation" shall mean the city of Quebec;

c. The word "mayor" shall mean the mayor in office or the pro-mayor of the city of Quebec, and the word "alderman" shall mean an alderman of the said city;

d. The words "city clerk", "city treasurer", "city auditor", "city engineer", "city inspector" or "building inspector," and "chairman of the board of assessors" shall mean the clerk, treasurer, auditor, engineer, inspector and inspector of buildings of the city of Quebec, chairman of the board of assessors or their assistants or any officer duly appointed to replace them;

- “Recorder’s Court”, etc. *e.* The words “Recorder’s Court” shall mean the Recorder’s Court of the city of Quebec, whether composed of one or more recorders, and the word “recorder” shall mean the recorder of the city of Quebec; the words “clerk of the Recorder’s Court” shall mean the clerk of the Recorder’s Court of the city of Quebec or his assistants, or any person duly authorized to replace them;
- “Rate-payer”. *f.* The word “ratepayer” shall mean any person liable to the payment to the city of any assessment or tax, including water-rates;
- “Property-owner”, etc. *g.* The word “property-owner” or “proprietor” shall mean any person who possesses immovable property in his own name as owner, as usufructuary, or as institute in cases of substitutions;
- “Occupant”. *h.* The word “occupant” shall mean any person who occupies an immovable in his own name, otherwise than as proprietor, usufructuary or institute, and who enjoys the revenues derived from such immovable;
- “Tenant”. *i.* The word “tenant” shall mean any person who is bound to pay rent in money or to give part of the fruits and revenues of the immovable which he occupies. A tenant must be a resident householder, saving the case of the lessee of a store, shop, office or place of business;
- “Real estate tax”, etc. *j.* The words “real estate tax”, “assessment”, “apportionment” or “real estate contribution” shall mean the rates levied upon immovable property;
- “Tax”. *k.* The word “tax” shall mean the personal rate or license fee levied upon any trade, business, profession or occupation whatsoever. It shall mean also, when used generally, any personal or real estate tax.
- “Water-rates”. *l.* The word “water-rates” shall designate the price or value of water supplied by the city, as fixed under the provisions of this act or of any by-law passed in virtue thereof;
- “Superior Court”. *m.* The words “Superior Court” mean the Superior Court sitting in and for the district of Quebec;
- “List of electors”. *n.* The words “list of electors” shall mean the municipal list of electors;
- “Lane”, etc. *o.* The words “lane” or “alley” shall include all lanes which are not shut off at both ends from public view;
- “Private lane”. *p.* The words “private lane” or “private street” shall include all private streets and lanes whether open to the public or not, and include also proposed private streets and lanes set out on a general plan of the city.
- References. Every reference to an article, without any indication of the act of which such article forms part, is deemed to be a reference to an article of this act.

**2.** The above clauses shall apply equally to the interpretation of any by-law of the city and to the provisions of this charter. Same interpretation for by-laws.

**3.** This act shall be cited as follows: "Charter of the City of Quebec, 1929." Short title.

## SECTION II

### *Incorporation*

**4.** The inhabitants of the city of Quebec form and continue to form a corporation under the name of "The City of Quebec", which is constituted an administrator and as such responsible for the matters entrusted to its administration. Incorporation. Name.

The said corporation has and shall have perpetual succession, and a common seal, with power to break, change and alter the same at pleasure, and may sue and be sued, implead and be impleaded, in all courts of law and equity, and other places, in all manner of actions, causes and matters whatsoever; and may accept, take, purchase and hold goods and chattels, lands and tenements, moveable or immoveable property, and may sell, alienate, assign, convey and lease the same; and may enter into and become a party to contracts; and give and accept any bills, bonds, or other instruments or securities for the payment or securing the payment of any money borrowed or lent, or for the performance of any duty, matter or thing whatsoever, as hereinafter provided. Powers of the corporation.

## SECTION III

### *Boundaries and jurisdiction of the city*

**5.** The territory of the city of Quebec shall be comprised within the following boundaries and limits: A line starting from the northeast end of the embankment built by the Quebec Harbour Commissioners at the mouth of the River St. Charles and across the mouth of said river, following the low tide line to the prolongation in a straight line of the eastern division line of that portion of lot 737 of the cadastre for the parish of Beauport,—thence following the said division line to the Beauport road and its extension in a straight line to the north side of the said road,—thence turning to the left and following the north side of the said Beauport road to the division line between the lots of land designated under the numbers 589 and 585 Boundaries.

of the cadastre for the parish of St. Roch North,—thence, turning to the right and following the division line between the said lots to its extremity,—thence turning to the left and following the northern boundary of lots numbers 585, 584 and 581 to its intersection with the division line between lots 716 and 717 of the cadastre for the parish of Charlesbourg, and following the said division line as far as the Charlesbourg road and across the said road in a straight line following the northern boundary of numbers 426 and 425 of the cadastre for the parish of St. Roch North to the northwestern end of lot No. 425,—thence to the left, following the western division line of lots 425, 420 and 419,—thence, to the right, following the northern division line of lot 4 to its extremity,—thence to the left, following the western division line of said lot 4 to the River St. Charles,—thence to the right, following the high water mark on the left bank of the River St. Charles to the bridge known as Scott's Bridge,—thence to the left, across the said river on the right bank of the river, at high water mark along Scott Bridge road on the west side as far as St. Vallier street,—thence to the right following the north side of said street as far as and including the road commonly called Bell's road,—thence to the left, following the west side of said Bell's road to its intersection with the north side of Boulevard de l'Entente,—thence to the right and following the said north side of Boulevard de l'Entente to the brow of the hill, and thence to the west following the brow of the hill as far as the eastern division line of No. 120 of the cadastre for the parish of Ste. Foye,—thence following the said line as far as the public road known as Ste. Foye Road,—thence crossing the said road and continuing in a straight line following the eastern division line of number 127 of the cadastre for the parish of Ste. Foye, as far as the intersection of such line with the prolongation of the south side of the street called St. Cyrille street,—thence to the left towards the east, following the south side of the said St. Cyrille street to its intersection with Belvédère Road,—thence to the right towards the St. Lawrence river and following the west side of Belvédère road to its intersection with St. Louis road,—thence turning to the right and westerly, following the north side of St. Louis road as far as and including the road of l'Anseau-Foulon, also called Wolfe's cove,—thence southerly to the left, following the west side of said road to the brow of the cliff,—thence to the left, following the brow of the cliff, from the parish of St. Colomban de Sillery to the former dividing line of the said parish from the parish of Notre-Dame de Québec,—thence following the said divi-

sion line prolonged as far as the Quebec Harbour Commissioners' line, and thence following the said Harbour Commissioners' line to the northeastern end of the extension of the Louise embankment.

The limits of the city shall include all the wharves and embankments built in the river St. Lawrence and the estuary of the river St. Charles, joined to or connected with the mainland of the said city. Limits of city.

*Annexation of part of the parish of Charlesbourg*

Numbers 717, 718, 719, 720, 721 and its subdivisions, 722 and its subdivisions, 723 and its subdivisions, 724 and 725 of the official cadastre for the parish of Charlesbourg, are annexed to the city of Quebec for all municipal and school purposes whatsoever. Annexation of certain lots.

The conditions of such annexation are as follows:

Conditions thereof.

1. The above-mentioned lots shall retain their present valuation for a period of twenty years from the date of annexation or so long during such period as such lots are the property of those now holding them, or of their heirs in the direct line;

2. If the present owners divide the said lots into building lots, in whole or in part, the city may tax each lot so divided, according to the system then in force in the said city, as soon as the lots pass into hands of third parties, by promise of sale or otherwise;

3. The present owners of the lots, in the event of a division into building lots, undertake to group as far as possible the sale of their lots into the same district, to the extent of fifty per cent;

4. As indemnity for the loss of revenue from taxes and the loss of the waterworks and road improvements effected by the municipality of the village of Charlesbourg in the said annexed territory, the city of Quebec undertakes to pay to the municipality of the village of Charlesbourg, from and after this annexation, an annual sum of fifteen hundred dollars for the period of fifteen years.

SECTION IV

*Boundaries of the wards*

6. The city is divided into six wards, namely: Champlain, St. Jean-Baptiste, Montcalm, St. Roch, St. Sauveur and Limoilou wards, and such wards have the following boundaries: Division of the city.

Champlain ward.

Champlain ward comprises all that portion of the Upper Town situated within the walls and all that portion of the Lower Town east of a line drawn in the middle of St. Roch street, from the foot of the hill to the river St. Charles as far as the city limits next to the parish of St. Colomban de Sillery.

St. Jean Baptiste ward.

St. Jean Baptiste ward comprises all the space bounded by Jacques-Cartier ward on the north, the walls of the city on the east, the brow of the cliff on the St. Lawrence river to the south, and a line drawn from the centre of DeSalaberry street to the west.

Montcalm ward

Montcalm ward comprises the territory extending to the west from DeSalaberry street to the city limits, included between the brow of the Ste. Geneviève cliff on the north side, and the brow of the St. Lawrence cliff and Sillery parish on the south side.

St. Roch ward.

St. Roch ward comprises that part of the city bounded to the east by a line drawn in the centre of St. Roch street, to the north by the bed of the river St. Charles, to the west by a line drawn in the centre of Boulevard Langelier, and to the south by the brow of the cliff.

St. Sauveur ward.

St. Sauveur ward is bounded to the east by St. Roch ward, to the south by the brow of Ste. Geneviève cliff, to the west by Bell's road and to the north by the bed of the river St. Charles.

Limoilou ward.

Limoilou ward comprises all that part of the city situated to the north of the river St. Charles.

Same may be divided.

Limoilou ward may, by a by-law of the council, be divided into two wards, but each of the two wards shall be represented by only one alderman in the council.

## SECTION V

### *Extension of the city limits*

City council has power to annex certain municipalities.

**7.** The municipal council of the city of Quebec shall have power to pass a by-law for the purpose of annexing any municipality or part of a municipality adjacent to the city, provided that the lands and buildings belonging to the Quebec General Hospital and not at present comprised within the city limits, shall not be annexed, either wholly or partly, without the consent of the council of administration of the said community, and that they shall, in the event of such annexation, enjoy the exemption from taxation granted the said community by the act 56 Victoria, chapter 50, section 1.

Special provision for Que. Gen. Hospital.

**8.** In the event of the annexation of a portion of a municipality, it shall be necessary to have the consent of the majority of the property-owners residing in such portion, and of the council of the municipality from which said portion is to be detached; such consent must be expressed by a by-law. Consent required, expressed by by-law.

**9.** Such by-law shall contain a full description of the territory to be annexed, set forth the terms and conditions of the annexation and specify whether the territory so annexed shall constitute a new ward, or whether it shall be annexed, wholly or partially, to one or more wards of the city. Contents of by-law.

In imposing the assessments and taxes for the territory to be annexed, the city may make a distinction between properties held for agricultural or horticultural purposes, and urban property; it is also empowered, for annexation purposes, to grant the ratepayers of such territory, for a period not exceeding ten years, different rates for assessments, taxes or licenses of any kind, on the terms and conditions of the aforesaid by-law. Distinction between properties.

**10.** The territory so annexed shall form one or more new wards, or shall form part of one or more of the wards of the city of Quebec, the number whereof shall be increased or diminished, or the limits whereof may be changed as the council of the city of Quebec may decide, and which it shall have power to do. Annexed territory to form wards or parts of wards.

Such new ward or wards so formed shall be known by the name or names selected by the council of the city, and may be represented in the council by a number of aldermen determined by the council, who, if possessing the qualifications required by the charter of the city or the acts amending the same, shall be elected in the manner prescribed by such charter or the acts amending the same by the municipal electors of the territory so annexed, having the qualifications required by the charter of the said city, a list of whom shall have been previously prepared with due diligence by the secretary-treasurer of the municipality to be annexed, who shall forward such list to the clerk of the city of Quebec. Naming of new wards, and their representation. Election of aldermen.

**11.** Every by-law passed by the council of the city of Quebec to annex, upon the conditions therein mentioned, the territory of a municipality adjacent to the city, must, in order to have force and effect, and under pain of nullity, be duly approved by a vote of the majority of the municipi- Approval of by-laws annexing municipalities.

pal electors, who are property-owners in the territory to be annexed, who have registered their votes upon such by-law.

After approval of by-law, election of aldermen to take place.

**12.** After the above-mentioned final approval by the electors of the territory so to be annexed, and within the thirty days following the forwarding of the list of electors by the said secretary-treasurer to the clerk of the city, as above mentioned, it shall be the duty of the council of the city of Quebec to proceed to the election of aldermen to represent the new ward or wards in the council of the said city, which aldermen shall remain in office until the expiration of the term of office then commenced for the other aldermen of the city, or as shall be provided by any by-law to that effect.

Term of office of new aldermen.

Incorporation of new wards.

**13.** When the above formalities shall have been complied with, the new ward or wards shall be incorporated with the city of Quebec, and shall be subject to all its existing or future by-laws, and shall enjoy all the rights, privileges and immunities conferred upon the city by its charter and the acts which amend the same, and shall be subject to all duties and obligations provided for in the said charter and its amendments.

City council.

**14.** The city council shall consist of the mayor and thirteen aldermen, two per ward (with the exception of St. Sauveur ward, which shall be represented by three aldermen), who shall remain in office for two years, or until the election of their successors in office.

Election of third alderman for St. Sauveur ward.

The third alderman of St. Sauveur Ward shall be elected by the electors whose names are on the list for the election of an alderman whose seat is designated by the number 2, and his qualification shall be that prescribed for the seat number 2.

Election of mayor.

Functions and remuneration.

**15.** The mayor shall be elected for two years by the majority of the municipal electors who have voted. He shall be chief magistrate of the city and shall represent it on all state occasions. His remuneration shall be seven thousand dollars per annum.

Indemnity of aldermen.

**16.** Each alderman shall receive, out of the city funds, as indemnity or remuneration for his services, a sum of fifteen hundred dollars per annum.

Appointment and

**17.** At its first meeting in the months of March, June, September and December, in each year, the city council

shall elect one of the aldermen of the said council to perform the duties of pro-mayor during the following three months; and the alderman so elected shall have and exercise all the powers, authority and privileges vested in the mayor, when the mayor is unable to exercise them through absence from the city, illness or other cause. powers of pro-mayor.

In case, through any cause whatever, the said pro-mayor was not elected at such first meeting in each of the said months, he may be elected at a subsequent meeting. If not appointed at first meeting.

#### SECTION VI

#### *Qualifications of the mayor and of the members of the council*

**18.** To be eligible as mayor or alderman, or qualified to fill such office, a person must be a British subject either by birth or naturalization, have resided and been a householder within the limits of the city during the year immediately preceding the election, be a duly qualified elector of the said city, know how to read print and writing fluently and also to write fluently, and moreover, in the case of the aldermen for the seat designated under the number 1, he must, at the time of nomination and during the entire continuance of his said office, possess for his own use and benefit, within the limits of the said city, immoveable property of the value of at least two thousand dollars, over and above all rents, charges, debts and hypothecs due or payable upon such immoveables, and in the case of the aldermen for the seat No. 2 and seat No. 3, the value of the said immoveable shall be at least one thousand dollars, and for the mayor five thousand dollars, also over and above all rents, charges and hypothecs. The immoveable property so stated, for candidates for the office of mayor as well as for that of alderman, must be registered in the name of the said candidates in the Registry Office in the city of Quebec, and, when elected, the qualification of every mayor or alderman shall appear in the Registry Office by an immoveable registered in his name for the entire period of his term of office. Qualifications of mayor, etc.

**19.** No person shall act as mayor or alderman before having deposited with the clerk of the city the certificate of the recorder or of the clerk of the Recorder's Court of the city, establishing that such person has taken before him the oath of office, qualification, and allegiance, mentioned in schedule A of this act; and if such certificate is not deposited within two months after the date of his election, the seat of such mayor or alderman shall become vacant. Certificate of taking of oath required. Effect of absence of certificate.

Vacancy in the office of mayor.

**20.** Should a vacancy arise in the office of mayor, the city clerk shall, within the eight days next following such vacancy, call a meeting of the council for the purpose of electing one of its members to perform the duties of the mayor during the remainder of his term of office, and the council, at such meeting, shall elect such mayor. The acceptance of the office of mayor by a member of the council shall have the effect of rendering his seat vacant, and in such case proceedings shall be had for a new election to fill such vacancy.

Persons not eligible as mayor or aldermen.

**21.** The following persons shall not be elected mayor, or aldermen: persons in holy orders, the ministers or preachers of religious sects, dissenters or congregations, judges, clerks of courts, persons accountable for the funds of the said city, persons in receipt of salaries, emoluments, fees or wages from the said city for their services, the officers and employees of the corporation, poll-clerks, persons convicted of treason or felony, before a court of justice in any of His Majesty's possessions, the contractors for the works of the said city or of the waterworks, and their sureties, and generally all parties interested in any manner whatsoever in any contract or bargain with the corporation.

Provision not applicable.

The above provision shall not, however, apply to shareholders in a *bona fide* incorporated company.

Penalty for refusal of office of mayor.  
Effect of absence.

**22.** Any person duly elected to the office of mayor, who refuses to accept the same, shall pay a fine of four hundred dollars; and if the mayor absent himself from the city during more than three consecutive calendar months (except in case of sickness or on public business), he shall in such case cease to hold office as mayor, and shall be liable to the penalty fixed for refusal to accept such office.

Mayor justice of the peace.

**23.** The mayor shall be *ex officio* a justice of the peace for the city and district of Quebec.

Penalty for refusal of office of alderman and in case of absence.

**24.** Any person who neglects or refuses to accept the office of alderman after having been duly elected thereto, and any alderman who neglects or refuses to discharge his duty as such, or absents himself from the city, during more than six consecutive calendar months, except in the case of sickness, or on business of the said corporation, shall incur a penalty of two hundred dollars, and the seat of such alderman shall thereby become vacant.

**25.** Every alderman shall, within eight days after he shall have been notified by the city clerk of his election, give notice in writing, to the said city clerk, of his acceptance of the office. Notice of acceptance of alderman.

**26.** Any person elected to the office of alderman who fails to give the city clerk the prescribed notice shall incur a penalty of fifty dollars. Penalty for failure.

**27.** Every alderman shall be *ex officio* a justice of the peace for the city of Quebec. The city clerk and city treasurer shall also be *ex officio* justices of the peace for the city of Quebec. Alderman, etc., justices of the peace.

**28.** The mayor and members of the city council shall be exempt from jury service. Exemption from jury service.

**29.** After being six months in office, the mayor or any alderman may resign such office, by forwarding to the city clerk a declaration to that effect, signed by him in the presence of a witness, and, after such declaration has been communicated to the city council, the seat of the person resigning shall become vacant. Resignation after six months.

## SECTION VII

### *Disqualifications*

**30.** If the mayor or any alderman shall be declared insolvent, or shall apply to take the benefit of any act for the relief of insolvent debtors, or compound with his creditors, or being mayor shall be absent from the city for more than three calendar months, or being an alderman for more than six calendar months, at one and the same time, except on account of illness or public business; or if the mayor or any alderman shall have a share or interest in any contract or employment with, by or on behalf of the said corporation, either directly or indirectly by himself or by his partner, or who, knowingly, during the existence of his mandate, has or had through himself, or his partner or partners, any commission or interest, directly or indirectly, in or in connection with a contract or agreement with the corporation, or who derives any interest in or from any contract with the corporation or council of which he is a member, or is security for any contractor with the said corporation, or derives any emolument or advantage, either directly or indirectly, from any such contract with the said corporation, he shall thereby cease to be mayor or alder- Disqualifying acts and circumstances.

man; and in case of there being any such contract or surety, the mayor or alderman concerned therein shall be liable to a fine of one hundred dollars, to be recovered before the Recorder's Court of the city of Quebec, for each and every day that he shall thus illegally hold office as such mayor or alderman.

Provision  
not appli-  
cable.

The foregoing provision shall not apply, however, to shareholders in a *bona fide* incorporated company.

Certain ap-  
pointment  
prohibited.

**31.** No mayor or alderman shall be appointed to an employment under the corporation, while he is in office as mayor or alderman; and the appointment to any employment whatsoever in the municipal service of a person who has been mayor or alderman of the city shall be null and void, unless one year shall have elapsed since such person shall have ceased to be mayor or alderman of the city.

Effect of  
of change  
in property  
qualifica-  
tion.

**32.** In case the mayor or any alderman has alienated the immoveable property on which he qualified himself, or has mortgaged or encumbered the same so as to affect the amount required for his qualification, any two duly qualified electors may present a petition to the council, requiring the said mayor or alderman to produce his title as proprietor of such other immoveable property as he may qualify upon, together with the sworn declaration and certificate, establishing the value of such property; and, in default of his so doing within thirty days, his seat shall become vacant.

#### SECTION VIII

##### *Exemptions*

Persons ex-  
empt from  
municipal  
office.  
Age.

**33.** The persons hereinafter mentioned shall be exempted from serving in any municipal office, to wit:

All persons above the age of sixty-five years who shall claim exemption within five days after having received official notice of their election;

Insane.

Insane persons and idiots;

Officers of  
His  
Majesty, etc.

All military, naval or marine officers in His Majesty's service on full pay, members of the Provincial Legislature, the judges of any court of law residing in the said city, the adjutant-general and deputy-adjutant-generals of militia, officers of the customs, sheriffs and coroners, schoolmasters, the clerks and commissioned officers of the Legislature and of the Executive Council, and the postmaster and his deputies.

## SECTION IX

*Qualifications of Electors*

**34.** The city clerk shall keep a list of the seats of the aldermen for each ward; one of such seats shall be designated by the number 1, the other by the number 2, and the third seat for St. Sauveur ward by the number 3.

List of seats.

**35.** To be entitled to vote at an election of alderman a person must be at least twenty-one years of age, be a subject of His Majesty, and be entered on the list of electors for the ward in which he wishes to vote.

Qualification to vote for alderman.

**36.** Every proprietor of an immovable or part of an immovable in the city of Quebec of the assessed annual value of twenty-five dollars or over or of the real value of five hundred dollars as entered on the assessment roll is entitled to vote at the election of alderman.

Proprietors entitled to vote.

**37.** Every tenant of an immovable in the city of Quebec, for which he pays an annual rent of at least thirty-six dollars over and above the municipal taxes and assessments repayable to the proprietor, is entitled to vote at the election of aldermen whose seats are designated by the number 2, if he has, before six o'clock in the afternoon of the 15th of November previous, paid to the city treasurer all the taxes for which he is personally responsible to the corporation.

Tenants entitled to vote if taxes paid within a certain delay.

If the 15th of November be a non-juridical day, the delay mentioned hereinabove shall extend to six o'clock in the afternoon of the next juridical day.

When day non-juridical.

**38.** Companies or joint stock corporations may, upon payment of their taxes, be entered on the list of municipal electors, and vote for the election of aldermen for seats Nos. 1 and 2 and for the election of the mayor, according as they may be property-owners or tenants, through a representative duly authorized for the purpose by a resolution of their board of directors, a copy of which resolution shall be produced at the office of the city assessors on or before the 15th of November of each year, and they may exercise this right in any ward where assessments or taxes are imposed upon them provided such representative be, at the time of voting, a director or employee of the company or corporation.

Voting by companies.

**39.** No person who has received any money, promissory note or promise of reward for his vote, may vote for the election of an alderman.

Disqualification as elector.

## SECTION X

*List of Electors*

- 40.** Between the 15th of November and 20th of December of each year, the assessors shall prepare for each ward, according to the assessment books for the current fiscal year, two alphabetical lists, to wit:
- Preparation of electoral lists.** A list containing the names of all tenants and occupants who appear according to the said books to have the right to vote in such ward for aldermen whose seats are designated by the numbers 2 and 3.
- Contents of one list.** Another list containing the names of all proprietors who appear according to the said books to have the right to vote for the aldermen whose seats are designated by the numbers 1, 2 and 3.
- Contents of the other.** Persons entitled to vote, according to the said two lists, shall vote in and for the particular ward in which the property constituting their qualification to vote shall be situated; but, when any such person is qualified as owner, tenant or occupant in more than one ward, or as tenant in one ward, and at the same time as proprietor or householder in any other ward, he may vote for the election of aldermen in any of the wards wherein he is qualified so to do, and he shall be entered once only on the list of electors for each of such wards.
- Where to vote.** For the election of mayor, the elector shall vote only once, and, if he is qualified in respect of his residence, his vote shall be accepted at the polling place nearest his said residence, when his name on the list shall not be marked with the letter "X", which the assessors shall affix after the name of every elector qualified to vote in any other ward than that in which he is qualified to vote on account of his residing therein.
- One vote for mayor.** When the elector is not qualified in respect of residence, the assessors shall determine where, in their judgment, the said vote for mayor may be most conveniently cast.
- Where to vote when not qualified by residence.** Whenever the assessors have failed to indicate the place where such elector may vote, or whenever the letter "X" shall have been affixed by error opposite his name, he may vote by declaring under oath before the city clerk, on election day, that he has not already voted at said election for mayor, and the city clerk shall deliver to him a certificate authorizing him to vote, and mentioning the poll where he may vote.
- Certificate to vote.**
- 41.** In making out the electoral lists, the assessors shall enter therein only the names of such tenants and oc-
- Entries on lists.**

cupants, not being proprietors, as have paid to the city all their municipal assessments and taxes, or dues whatsoever, before six o'clock in the afternoon of the 15th of November then instant, and the names of the proprietors of immoveables who, before the said 15th of November then instant, have paid to the city all their municipal assessments, taxes, and dues whatsoever payable on the 30th of April of the fiscal year previous to the last fiscal year.

If, at the time the electoral list is made, the assessors are informed by the registry office that certain persons no longer possess as proprietors the immoveables qualifying them as electors, the assessors shall enter the names of the new proprietors on the electoral list, substituting such names in the place and stead of the former proprietors provided that they possess the electoral qualifications required by law.

**42.** On the 21st of December following, the assessors shall certify each of such lists and hand them to the city clerk, in whose office they shall remain deposited until the 27th of the same month, from nine o'clock in the morning to four o'clock in the afternoon.

**43.** Before the 21st of December, the said clerk shall give public notice of the deposit of such lists, informing the public by the notice that such lists shall, during the said period, be shown to any person making application therefor, and that every elector who may wish to apply for the insertion of a name in any of the said lists, or the striking of a name therefrom, shall do so within the delay fixed by law for so doing.

#### SECTION XI

##### *Board of Revisors and Revision of Lists*

**44.** The mayor of the city of Quebec, the recorder of the said city, and the member of the administrative committee appointed for such purpose by the council, shall form a board of revisors to revise the said lists of electors, and the mayor shall preside at the meetings of the said board.

**45.** In case of the absence, for any cause whatsoever, of the chairman of the board, the members of the said board, then present as aforesaid, may choose one of themselves to preside at the meeting in the absence of the chairman, and

the member so chosen shall be vested with all the rights conferred by this act on the ordinary chairman of the board.

Quorum of board.

**46.** Two of the members present at any meeting of the board may exercise all the powers and attributes conferred on the board by this or any other act.

Oath required.

**47.** Before entering on their duties, the members of the said board shall make oath before a justice of the peace for the district of Quebec, impartially to discharge the duties of their office, and an entry of the said oath of office having been taken shall be made in the minutes of the meeting of the said board; but each member shall take the said oath of office once only during the time he will act as member of the said board.

Opening of sittings.

**48.** The board of revisors for revising the electoral lists shall commence to sit on the 28th of December in every year, at the city hall, in the council room, at the hour specified in the public notice given by the clerk.

Idem.

If the 28th of December be a non-judicial day, the first of such sittings shall be on the following judicial day.

Adjournment if no quorum.

**49.** If by some unforeseen cause or accident there is not a quorum, the said board shall adjourn *pleno jure* to the following day, and notice of the adjournment shall be given to each member of the said board.

Delay to apply for revision.

**50.** No application for the insertion of a name in such lists or the striking of a name therefrom shall be received at the city clerk's office after nine o'clock in the evening of the 27th of December.

Contents of application and service thereof.

**51.** Every such application shall state the reasons upon which it is founded, and if it be for the purpose of striking a name, it shall be served upon the person whose name is sought to be struck, at least two clear days before the 28th of December.

By bailiff.

Such service shall be effected and proved by a bailiff of the Superior Court in the same manner as the service of summons in civil matters.

When party resides outside of city.

**52.** If the person in question does not reside within the limits of the city, the notice shall be deposited in the post office of the city of Quebec, in a stamped and registered envelope, addressed to such person and posted at least three days before the 28th of December.

**53.** At least four days before the 28th of December, the clerk shall give notice in a French and in an English newspaper, published in the city, of the day, hour and place at which the board shall proceed to the revision of such lists, and determining the order in which such revision shall be made. Notice of sitting of board.

**54.** All persons having an interest in such addition to or erasure from such lists may be heard personally or by attorney at law or an agent, but the latter shall require a written authorization. They may produce witnesses who will be sworn by the clerk and their names entered in the minutes of the proceedings. Hearing of persons. Witnesses.

**55.** The board of revisors shall be invested with all the powers, authority and jurisdiction of the Recorder's Court of the said city, for compelling the summoning and appearance of witnesses, as well as their answering all legal questions put to them, and the maintenance of order during the time the board of revisors shall sit. Powers of board of revisors.

**56.** After hearing the evidence adduced by either of the parties, the board of revisors shall maintain or reject, to the best of its judgment, the applications so made before it, and order, as the case may be, the addition or erasure sought for. Applications maintained or rejected.

**57.** The city clerk shall be the clerk of the said board of revisors. He shall keep the minutes of the proceedings and shall sign them, as well as all subpœnas, orders and decisions made, given and pronounced by the said board. Clerk of the board. Minutes, etc.

**58.** The revision of the said lists shall be concluded on or before the 4th of January in every year. Conclusion of revision.

**59.** After such revision, the said lists shall be signed by the mayor and the clerk of the board, and sealed with the seal of the corporation. Lists signed after revision.

**60.** All applications for inserting and striking names in and from such lists, which are not decided and determined on the 4th of January, shall, from that date, be deemed never to have been made. Applications not decided before certain date.

**61.** As soon as the lists of voters shall be revised, corrected, signed and sealed in conformity with this act, they shall be again placed in the city hall, under the care of the city clerk, to remain in the archives in the office of Disposing of lists.

Copies. the said city clerk, who shall forthwith supply certified copies of the said lists, or of any of them, at the rate of two dollars for each copy of a list of electors for each aldermanic seat in the city, when requested to supply one by any duly qualified voter.

Penalty for refusal to act as revisor. **62.** If any member of the board of revisors appointed as such by or in virtue of this act shall neglect or refuse to perform any of the duties required of him by the foregoing provisions, he shall incur a penalty of eight hundred dollars.

Penalty on clerk. **63.** The city clerk shall be liable to a penalty of fifty dollars, and, in default of payment of the same and of costs, to imprisonment of not more than one month for each time that he shall refuse or neglect to fulfil any one of the duties imposed upon him by the provisions respecting the revision of the electoral lists.

Penalty on assessor, etc. **64.** Every assessor or valuator shall incur a penalty of fifty dollars, and, in default of payment of the said sum and of costs, imprisonment for not more than one month, each time that he shall refuse or neglect to fulfil any of the duties imposed on him by the above provisions respecting the revision of electoral lists. The penalties in the two preceding cases may be recovered before any justice of the peace.

## SECTION XII

### *Elections*

Nomination of candidates. **65.** On the second Monday of February of every second year, commencing in 1930, or on the first juridical day, following, if such second Monday be a non-juridical day, the nomination of candidates for the office of mayor and alderman shall take place at the office of the city clerk, in the city-hall, between the hours of noon and four o'clock in the afternoon.

Procedure. **66.** The nomination of the candidates shall be by means of a written requisition, signed by six or more qualified electors, and deposited in the office of the clerk, on the second Monday in February.

Idem. **67.** Such requisition shall specify, by the number of the seat, for which particular seat the candidate is nominated.

**68.** Such requisition shall further contain a written Consent. consent to the said nomination, which consent shall be signed by the candidate, or, in his absence, by a person who declares that he is thereto authorized by him.

**69.** Such requisition shall also be accompanied by a Solemn de- solemn declaration, made by the candidate or by another person, attesting that the candidate is the proprietor of the immoveable or immoveables to be described in the solemn declaration, and that the said immoveable or immoveables are worth the sum of at least five thousand dollars in the case of the qualification of the mayor, and of two thousand dollars in the case of the alderman for the seats designated by the number 1, and of at least one thousand dollars in the case of the qualification of the alderman for the seat designated by the number 2, and designated by number 3 for St. Sauveur ward; such value, in all the above cases, to be over and above the rents, hypothecs or charges upon the said immoveable or immoveables.

**70.** Such requisition shall also be accompanied by a Certificate certificate from the city treasurer establishing that the from treasurer. candidate is not indebted to the said city for assessments, taxes, or any dues whatsoever, or for any other reason, up to the 30th of April previous.

**71.** If only one candidate be nominated for one seat, Election he shall *de facto* be elected, and it shall be the duty of the city clerk to at once proclaim him elected, by a notice in- *de facto*. Notice. serted in a French and in an English newspaper published in the city, or in French and in English in the city municipal gazette, if any there be.

**72.** If there be more than one candidate for the same Date of office, the voting shall take place on the third Monday of voting. the month of February, between nine o'clock in the morning and five o'clock in the afternoon.

**73.** It shall be the duty of the clerk to publish the Public names of the candidates nominated for the office of mayor, notice of names of candidates. as well as the names of the candidates for the office of aldermen for each ward, by a notice which shall be posted up on the door of his office in the city hall and published in a French and in an English newspaper in the city from the nomination-day to the polling-day, or in French and in English in the municipal gazette of the city, if there be one.

Designation  
and fixing of  
polling dis-  
tricts.

**74.** When a poll is held in connection with the election of a mayor or alderman, or at a general or special election, the polling districts shall be designated and fixed by the city clerk.

Polling  
stations.

**75.** In every ward there shall be a polling-station, for a number not exceeding one hundred and fifty electors qualified to vote for mayor and for aldermen; a person who is qualified to vote for the aldermen for the two seats at one time, shall, however, only count as one elector. Every elector shall have the right to vote once for the election of the mayor.

Establish-  
ment of  
polls.

**76.** The polls shall be established by the mayor, and the city clerk shall publish the list and description thereof at least two clear days before the polling day, in a French and in an English newspaper of the city.

Poll-books.

**77.** The city clerk shall prepare poll-books for each poll, in accordance with schedule B of this act; and, as the case may be, there shall be one of such poll-books for the polling for the election of mayor, another for the election of the alderman whose seat is designated by the number 1, and another for the polling for the election of the aldermen whose seats are designated by the number 2 and another for seat number 3 of St. Sauveur ward.

Partial lists  
of electors.

**78.** The clerk shall prepare partial lists of the electors who are to vote at each poll comprising the list of electors, proprietors, qualified to vote for the aldermen whose seats are designated by the numbers 1, 2 and 3 and separately the list of electors, tenants and occupants, qualified to vote only for the aldermen whose seats are designated by the numbers 2 and 3.

Right to  
vote.

According to the said lists all the electors inscribed as proprietors and all the electors inscribed as tenants and occupants shall have the right to vote for mayor except those whose names are accompanied by the letter "X" in accordance with article 40 of this charter.

Idem.

An elector shall vote for the election of an alderman only at the poll in each ward in which his name is entered on the partial list used for the voting in such poll, and, furthermore, he shall vote for the election of mayor only in the poll in such ward where his name is not accompanied by the letter "X" as above.

Mode of  
preparing  
lists.

**79.** The voters' lists shall be made as far as possible in such manner that the voters of a polling district may vote at the poll of such district.

**80.** Any candidate, who has been nominated, may withdraw at any time before the close of the poll, by depositing, at the office of the city clerk, a written declaration to that effect, signed by himself, in the presence of two witnesses, who shall also sign the same; and, in such case, the clerk shall give public notice of such withdrawal, and the election shall then be proceeded with as if such candidate had not been nominated.

Withdrawal  
of candidate.

**81.** The mayor of the city shall, by a written document under his hand, which shall remain deposited in the office of the city clerk and form part of the records of such office, appoint a person to preside at the voting in each poll; and in the event of the absence, illness, refusal or inability to act of such person, then the person who shall have been appointed poll-clerk for such poll shall preside at the voting with all the powers of the person whom he replaces.

Officer pre-  
siding over  
poll.

**82.** The officer presiding at the poll shall make oath, before the city clerk or his assistant, to faithfully and impartially perform the duties of his office.

Oath.

**83.** The officer presiding at each poll shall, by a written document signed by him and which, after the counting of the votes as hereinafter set forth, shall be placed in the ballot box with the other documents, appoint a person to act as clerk at each such poll; and such clerk shall take the oath contained in schedule C of this act before such presiding officer.

Clerk.

**84.** The city clerk shall, on the day previous to the voting at the latest, deliver to each officer presiding at a poll a ballot-box in which the voters' ballot-papers shall be deposited.

Ballot box  
to officer  
presiding.

Such box shall be made of metal and be provided with a lock and key and have a narrow slit or opening on top so arranged that the ballot-papers may be put in and cannot be taken out without opening the box.

Description  
of ballot  
box.

**85.** The city clerk shall also deliver to each officer presiding at a poll, the lists of electors to be used at such poll, and shall also deliver him, as occasion may require in each case respectively, and for each ward, two hundred ballot-papers for the election of mayor, two hundred for the election of the alderman whose seat is designated by the number 1, two hundred for the election of the alderman whose seat is designated by the number 2, and two hundred for the election of the alderman whose seat is desi-

Lists, etc.,  
delivered to  
officer  
presiding.

gnated by the number 3, together with a lead pencil for marking the ballot-papers. The lead pencil shall be the same kind for all polls.

Ballot-paper.

**86.** The ballot-paper for each elector shall be a printed paper with an annex, made in accordance with schedule D of this act for the voting for the election of mayor, in accordance with the schedule E for the election of the alderman whose seat is designated by the number 1, in accordance with schedule F for the election of the aldermen whose seats are designated by the numbers 2 and 3; each ballot-paper showing the names of the candidates and their occupations.

Arrangement of polling-station.

**87.** The polling-station shall be so arranged that the voter can mark his ballot-paper in private and unseen by the persons present in the poll.

Presence of candidates.

**88.** Every candidate shall have the right to be present during the hours of voting at a poll in the ward for which he is a candidate; but he may also be represented thereat by a person holding a power of attorney signed by him.

Persons allowed to remain in poll.

**89.** During the hours of voting, no one shall be allowed to remain in the poll except the presiding officer and clerk of such poll, and the candidates or their agents.

Oath of secrecy.

**90.** One of the agents of each candidate, and, in the absence of such agent, one of the electors representing each candidate, if there be such elector, on being admitted to the polling-station, shall take an oath in accordance with schedule G of this act, to keep secret the names of the candidates for whom any of the voters has marked his ballot-papers in his presence, as hereinafter required.

Opening of ballot-box before voting.

**91.** At the hour fixed for the opening of the poll, the presiding officer and poll-clerk, in presence of the candidates or their agents, shall open the ballot-box, and ascertain that there are no papers of any kind in it.

Locking of same.

The box shall then be at once locked, and the key shall remain in the possession of the officer presiding at the poll.

Statement to be made by elector.

**92.** Each elector, being admitted, one at a time, into the poll, shall state his name and occupation, which shall be entered by the poll clerk in the poll-book for the election of the mayor or in the poll-book for the election of the aldermen respectively, as the case may be, and according as he is qualified to vote for one or the other.

**93.** If such name be entered on the list of electors for the voting subdivision at such poll, the voter shall be given a ballot-paper, as the case may be, on the back whereof the presiding officer shall have previously placed his initials, and upon the annex a number corresponding to that opposite the name of the voter on the poll-book, the ballot-papers being given and returned in succession, first for voting for the mayor, and afterwards for the aldermen whose seats are designated by the numbers 1, 2 and 3.

Procedure  
for voting.

**94.** Each elector may vote at the election of an alderman for each ward in which his name is legally entered on the proper list of voters for such ward. But, for the election of mayor, if such elector has a right to vote in several wards, he shall be entitled to vote only in the ward in which he resides; and if he does not reside in the city, he shall vote only in the ward or in one of the wards for which his name is entered on the list of electors.

Voting of  
electors.

**95.** Every person whose name appears on the list of electors shall be qualified to vote at the election of the mayor at the place indicated in the foregoing article, and at the election of the various aldermen in the ward for which such list is made, without any other oath being required of him beyond that set forth in schedule H of this act, which oath shall be administered by the presiding officer at the poll where such elector is entitled to vote.

Qualifica-  
tion to vote.

**96.** Upon the application of a candidate or of his duly authorized agent, or when the presiding officer at the poll deems it advisable, any voter may be required to take the oath mentioned above.

Taking of  
oath.

**97.** No ballot-paper shall be given to an elector who shall have refused to take the oath if thereto required as above set forth.

Refusal to  
take oath.

**98.** Whenever there is reason to know or believe that any person presenting himself to vote has already voted at the election and presents himself with intent to vote again, or that such person desires to vote under a false name or designation, or falsely represents himself as entered upon the list of electors, the presiding officer at the poll, whether he be required so to do or not, shall administer to such person the oath or affirmation authorized by law.

Oath in case  
of doubt.

**99.** The elector shall mark his ballot-paper by making a cross with a pencil on the right hand side opposite the

Marking of  
ballot-  
paper.

name of the candidate for whom he wishes to vote, after which he shall fold it and deliver it to the officer presiding at the poll.

Identifica-  
tion of  
ballot-  
paper

The presiding officer shall ascertain, by examination of his initials, and of the number, without unfolding the same, that such ballot-paper is the same supplied by him to the voter, and, after having detached and destroyed the annex, he shall immediately, and in the presence of the voter, place the same in the ballot-box.

Replacing of  
spoiled  
ballot-pa-  
per.

If an elector has inadvertently spoiled his ballot-paper in such manner that it cannot be conveniently used, he may, on delivering the same to the presiding officer, obtain another ballot-paper.

Entries in  
poll-book.

**100.** The poll-clerk shall enter in the poll-book, opposite the name of each elector presenting himself to vote:

1. The word "voted" as soon as the elector's ballot-paper has been deposited in the ballot-box;
2. The word "sworn" if the elector has taken the oath;
3. The words "refused to be sworn" if the elector has refused to take the oath.

Assistance  
of officer  
presiding.

**101.** At the request of any elector, who cannot read or write, or who, owing to blindness or other physical infirmity, is unable to vote in the manner prescribed by this act, the officer presiding at the poll shall assist such elector by marking, in the presence of the candidate or his representative, the ballot-paper of such elector in favour of the candidate whom he names, and by depositing such ballot-paper in the ballot-box.

Mention of  
such assist-  
ant in poll-  
book.

**102.** Whenever a voter has had his ballot-paper prepared in conformity with the preceding article, mention of the fact shall be made in the poll-book opposite the name of such voter.

Oath when  
person's  
name is al-  
ready en-  
tered.

**103.** If a person, representing himself to be a particular elector whose name appears on the list of electors, applies for a ballot-paper after another person has voted as such elector, the applicant, upon taking the oath aforesaid, shall be entitled to vote as any other elector.

Mention  
thereof.

Mention shall be made in the poll-book of the fact of the voter having voted on a second ballot-paper, issued under the same name, and that, on demand, he has taken the required oath and also of the objections made to such vote, if any, and by whom made.

**104.** Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot-paper has been put into the ballot-box. No delay.

**105.** No person shall, directly or indirectly, induce any voter to display his ballot-paper after he has marked the same, so as to make known the name of the candidate for or against whom he has so marked his ballot-paper. The elector who makes known the mark on his ballot-paper shall, *ipso facto*, be deprived of the right to vote and have his ballot-paper deposited in the box. The ballot-paper shall be placed among those to be set aside, and note thereof entered in the poll-book. Secrecy. Effect of disclosure.

**106.** No person shall interfere with or attempt to interfere with a voter when preparing his ballot-paper, or otherwise make any attempt to obtain information at the poll as to the name of the candidate for whom any voter at such poll is about to vote or has voted. Interference with voter.

**107.** Immediately after the close of the poll, the presiding officer shall, in presence of the candidates or their agents, open the ballot-box and count the number of ballot-papers in favor of each candidate, setting aside the ballot-papers not supplied by him and all those by which more votes shall have been given than there are candidates to elect and those bearing any mark by which the voter might be recognized. Opening of ballot-box after voting. Counting of votes.

**108.** When at the counting of the ballots, it has been established that the number of ballots deposited in the box corresponds with that entered in the poll-book (taking into account the ballots rejected which were not deposited), and when it appears that the ballots are not other than those supplied by the officer presiding at the poll, the said officer, if he notices in counting, for the purpose of assigning them to each candidate, that by oversight or forgetfulness he has omitted initialling some or all the ballots on the back, may then do so in presence of the persons in the polling-station, and at the same time indicate it by a note at the end of his initials—as a correction made—and he shall make an entry thereof in the poll-book Initialling of ballot-papers if necessary.

Before so affixing his initials on the said ballots, the officer presiding at the poll must write, sign and attest under oath before the poll-clerk, the following declaration: Declaration.

“I swear that, through forgetfulness or oversight, I did not affix my initials on (*state the number*) ballot-papers, which I acknowledge as having been supplied by me Form.

during the polling and which I have found in the ballot-box.

Sworn before me, at..... this..... day of ..... 19 .."

Deposit of same. This declaration must be deposited with the other documents in the ballot-box.

Counting of ballot-papers. Such ballot-papers shall then be counted as if all formalities had been duly accomplished in respect thereto.

Statement by presiding officer. **109.** The presiding officer shall make out a statement indicating the number of the:
1. Accepted ballot-papers;
2. Votes for each candidate;
3. Rejected ballot-papers;
4. Spoiled and returned ballot-papers;
5. Ballot-papers which have not been used and which are returned by him.

Copy of same. He shall make and keep a copy of such statement and enclose the original in the ballot-box.

Putting of ballot-papers into envelopes, etc. **110.** The other ballot-papers having been counted, and a list kept of the number of votes given to each candidate, and of the number of rejected ballot-papers, all the ballot-papers indicating the votes for each candidate respectively, and those rejected, shall be put into separate envelopes or parcels, and all such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be put in the ballot-box.

Lists put in ballot-box. **111.** He shall also place in the ballot-box all the electoral lists used by him, after having written at the foot of such list a certified statement of the total number of electors who have voted on each list.

Other documents put in ballot-box. The poll-books and all the ballot-papers and other documents shall also be placed in the box, which shall then be locked and sealed.

Certificates of votes given. **112.** When so requested, the person presiding at the poll shall deliver to each candidate, or to his agent, free of charge, a certificate of the number of votes given for each candidate and of the number of rejected ballot-papers.

Ballot-box to city clerk in city hall. **113.** Immediately after the counting of the votes as aforesaid, and on the very day of the voting, the officer who shall have presided at such election in each poll respectively shall carry the ballot-box which he had in his possession to the office of the city clerk in the city hall.

**114.** The ballot-boxes shall then be at once placed by the city clerk in the vault or safe in his office, and shall remain there under lock and key until they are opened as hereinafter set forth, the clerk keeping the key of his vault or safe in his possession. Placed in vault.

**115.** On the day after the polling day, or, if such day be a non-juridical day, on the following juridical day, at the hour of eleven o'clock in the morning, at the office of the said city clerk, the latter shall open the ballot-boxes. The mayor and the candidates or their agents may be present. The clerk shall then ascertain the number of votes for each candidate, according to the statements placed in the said boxes by the officers presiding at the polls as aforesaid, and shall declare elected as mayor or aldermen, those who shall have obtained the highest number of votes for the office of mayor or of alderman in each ward. Opening of ballot-boxes.

In the event of the illness, death, absence or inability to act of the city clerk, his deputy shall act in his stead and have all his powers. Number of votes ascertained by city clerk.

**116.** If the votes are equally divided for the same office of mayor or alderman, the city clerk shall, forthwith, by a written declaration, determine and decide who, amongst those who have the same number of votes, shall be deemed elected to the office. In case of illness, etc., of city clerk.

**117.** If the ballot-boxes, or any of them, have been destroyed, lost, or are not forthcoming, the city clerk shall, with all possible diligence, ascertain the cause of the disappearance of such ballot-boxes, and shall procure from the presiding officer whose box is missing, or from any other person having the same, the lists, statements, and certificates required by this act, or copies thereof. In case of loss, etc., of ballot-box.

Each of such documents shall be verified on oath taken before the city clerk. Verification.

**118.** If, in the case of the preceding article, the lists, statements, certificates or copies thereof cannot be obtained, the city clerk shall ascertain, by such evidence as he is able to obtain, the total number of votes cast for each candidate at the several polling-stations for which the boxes are missing. Ascertainment of votes in certain case.

**119.** The officer presiding at a poll and the city clerk or his assistant, at the time of the nomination of candidates, have full power to maintain order and preserve the peace; Powers of officer presiding, to maintain order.

and if an offence is committed before them or proved on oath of a credible witness sworn before and by one of them respectively, each of them has full power to cause to be arrested, on verbal order by him given and to be imprisoned on his warrant for twenty-four hours in the common gaol of the district of Quebec, any person who does not maintain order or who disturbs the peace or is armed with a club, a bludgeon or other offensive weapon, or who carries a flag, standard, banner, ribbon or cockade or distinctive mark or insignia to show that he is the partisan of any candidate, or who threatens to disturb the peace and good order, or who wilfully hinders or endeavours to hinder any elector from voting, or who in any way interferes with the nomination of the candidates or the voting.

Persons bound to obey orders of presiding officer.

**120.** All officers of militia, constables and police officers, or gaolers of the district of Quebec, shall be bound to obey the said verbal order and warrant, under a penalty not exceeding one hundred dollars.

Imprisonment not to affect penalties.

**121.** The imprisonment of twenty-four hours aforesaid shall not exempt the person or persons so imprisoned from any of the pains and penalties to which he or they would otherwise be liable for the offence committed.

Penalty for carrying flag, etc.

**122.** Any person who shall, at such nomination or election, carry any flag, banner, color, ribbon, cockade, or other badge indicating the party to which he belongs, or who shall use any violence, menace, or malicious practice, or disturb the nomination or election, or shall carry any stick, club, or other offensive weapon, shall be liable to a penalty, for every such offence, of one hundred dollars, or three months' imprisonment, or to both at the discretion of the court.

Negligence to perform duties.

**123.** Every person who is appointed to perform any of the duties imposed upon him by this act respecting elections, and who shall neglect or refuse to perform any of such duties, shall be liable to a fine not exceeding two hundred dollars.

Date of enjoyment of rights, etc., of mayor and alderman.

**124.** The mayor and aldermen elected at the general election shall enter into and enjoy the rights and privileges appertaining to their respective offices, on the 1st of March following such election. If the said 1st of March be a non-judicial day, they shall enter into such office only on the first following judicial day.

**125.** As soon as an extraordinary vacancy occurs in the office of alderman, the mayor shall publish or cause to be published by the city clerk a notice specifying a day for the nomination of candidates for an election to fill such vacancy and another day for the voting one week afterwards in the event of such voting being necessary through the nomination of more than one candidate.

Notice if vacancy in office of alderman.

Such notice shall be published at least a week before the day fixed for the nomination of candidates in a French and in an English newspaper published in the city, or in French and English in the municipal gazette if one is published by the city.

Publication thereof.

**126.** If only one candidate be nominated he shall *de facto* be elected, and it shall be the duty of the city clerk to at once proclaim him elected by a notice inserted in a French and in an English newspaper published in the city, or in French and English in the municipal gazette if one is published by the city.

Candidate elected *de facto*.  
Notice.

**127.** If there be more than one candidate at a bye-election, the city clerk shall establish one or more polls for the ward in which the election is to be held, the description of which polls shall be published two clear days before the voting, in an English and a French newspaper of the city, or in French and English in the municipal gazette if the city publishes one, and the voting for such election shall take place at such polls.

Establishment of polls for bye-election.

**128.** The appointment of officers and all other proceedings at such bye-elections shall be the same as for the general elections.

Appointment of officers, etc., for bye-election.

**129.** After the ballot-boxes used for a bye-election have been brought back to the office of the city clerk, the latter shall, at once, on the day of the voting, count the ballots and declare elected the candidate having the greatest number of the votes polled.

Counting of ballots at bye-election.

**130.** In the case of a bye-election, as aforesaid, the candidate elected shall enter into office immediately after his election.

Entering into office.

#### SECTION XIII

##### *Recount of Votes by a Judge*

**131.** In the four days following that on which the city

Delay to ap-

ply by petition for recount of votes.

clerk has declared a mayor or alderman elected, it shall be lawful for any elector to apply, by petition to a judge of the Superior Court at Quebec, for a recount or a new addition of the votes.

Affidavit in support of petition.

**132.** Such petition shall be supported by an affidavit to the effect that the officer presiding at the poll, in counting the votes, has improperly received or rejected any ballot-papers at such election or has improperly counted the votes.

Order of judge.

**133.** The judge, to whom the said petition is presented, shall issue an order specifying the place, day and hour at which he will proceed to examine the ballots, and commanding the city clerk to attend then and there with the parcels containing the ballots used at the election.

Serving of same.

**134.** The order shall be served upon the city clerk and upon the candidates interested, two days before the day fixed by the judge as aforesaid.

Recounting of votes by judge.

**135.** At the time and place fixed, the judge shall proceed to recount all the said votes or ballots, to examine the ballots set aside or spoiled, and to verify and correct the counting of the ballots and the statement of the number of votes given for each candidate, and shall deliver all the said ballots, with a certificate of the result of his examination, to the said city clerk, who shall declare elected the candidate who shall have received the greatest number of votes according to the judge's certificate.

Petition accompanied by certificate of prothonotary.

**136.** The petition for a recount of the ballots shall be accompanied by a certificate of the prothonotary of the Superior Court, establishing that the petitioner has deposited in the court a sum of two hundred dollars, as security for the costs to be incurred, in connection with the recount, by the candidate who appears, by the addition, to have been elected.

Proceedings.

**137.** In all cases not specially provided for by this act, the proceedings followed for the election of members of the Legislative Assembly of this Province shall apply, *mutatis mutandis*, to the election of members of the city council, and all offences and penalties enacted by the act respecting the election of members of the Legislative Assembly shall apply to the elections of members of the city council.

## SECTION XIV

*Bribery Clauses*

**138.** No elector shall ask or receive any sum of money, or other recompense, by way of gift or loan, or under any other pretext, or allow or consent to allow his assessments or taxes to be paid for him, or make any contract or agreement for any sum of money, office, gift or employment or other recompense whatever, to induce him to give his vote to or in favor of or withhold it from any candidate; and no person shall, either personally or by his agent, as and by way of gift, recompense, promise, agreement, or under the guarantee of a gift or recompense or by means of payment of assessments or taxes, bribe or attempt to bribe, or induce any elector to give his vote to or in favor of or withhold it from any candidate; and any person offending against any of the above provisions shall be liable, on conviction, to a penalty of two hundred dollars for each offence, to be recovered with costs, by any one who shall sue for the same before the Recorder's Court of the said city.

What shall  
be deemed  
bribery.

Penalty.

**139.** The election of mayor, or alderman, shall be declared null and void by any court having jurisdiction before which it shall be proved that such mayor or alderman has given any sum of money, office, place, employment, gratuity, reward or any bond, bill or note, or conveyance of land, or made any promise to give or do any one or more of such acts or things, or to have threatened any elector that he would cause him to lose any office, salary, income or advantage, either by himself or by his authorized agent for that purpose, with the intent to corrupt or bribe any elector to vote for him as candidate for the office of mayor or alderman, or to keep back any elector from voting for any other candidate for the same, or has opened and supported, or caused to be opened and supported, at his costs and charges, any house of public entertainment for the accommodation of the electors.

Election  
void for  
bribery.

## SECTION XV

*Contested Elections*

**140.** Any person, qualified to vote at the election of mayor or alderman, may present to any one of the judges of the Superior Court, sitting in term or in vacation, a petition (*requête libellée*), complaining of the election and return of any person as mayor or alderman, at whose election he

Form of pro-  
ceedings in  
contesta-  
tion.

had a right to vote, and praying either for the annulling of such election and that a new election be ordered, or for the annulling of the election and for a judgment declaring some other person to be duly elected in the place and stead of the person returned.

Grounds of petition.

Such petition may be based upon all or any of the following grounds:

1. That the person returned did not receive the majority of legal votes at such election;

2. That he was not qualified to be elected as such mayor or alderman, as the case may be;

3. That he was guilty of corrupt practices prohibited by this act, either personally, or by an agent, with or without his authority, knowledge or sanction.

Contents of petition.

**141.** Such petition shall set forth in a succinct manner, the time, place and circumstances of any act, matter or thing, material to the conclusions of such petition; and the allegations thereof shall be supported by affidavit to the satisfaction of the judge, who shall thereupon cause a writ to be issued, summoning the person returned as being elected to appear on a day named therein to answer the said petition.

Affidavit.

Delay to receive petition.

No such petition shall be received after the expiry of thirty days from the day of the proclamation by the city clerk that such mayor or alderman was duly elected at the said election.

Security for costs.

**142.** Upon the return day of such writ or within three days thereafter, the contestant shall give security for costs, after notice to the defendant, by depositing in the office of the prothonotary of the Superior Court the sum of five hundred dollars.

Case to be proceeded with summarily.

**143.** Upon security being given, the case shall be proceeded with, and disposed of in a summary manner, and, as far as possible, as well with regard to the merits as to all matters incidental thereto, shall be subject to the ordinary rules of procedure prescribed by Section II of Chapter XL of the Code of Civil Procedure.

Powers of court if ballots, etc., to be examined.

If, upon the issues, it is necessary to count, or to examine, or otherwise to deal with the ballot-papers used at the election, or to examine or deal with the poll-books or other documents connected therewith, or to summon the persons who have conducted the election or acted therein in any manner whatever, the court or judge shall, for such purposes, or any of them, have all the jurisdiction, power and authority vested in the court or any judge thereof in similar

matters, by the Quebec Controverted Elections' Act, and its amendments.

When any election under this charter is contested and the seat is not claimed for any candidate in or by any petition presented to that effect, no recriminatory allegations or evidence shall be allowed on behalf of the defendant.

Recriminatory allegations and evidence in certain cases.

No such election shall be contested in any other manner, or by any other procedure, than in the manner hereinbefore provided.

No other mode of contestation.

**144.** The judgment rendered on a petition under this act shall be subject to appeal before the Court of King's Bench; the case shall be heard by privilege and have precedence over all other cases; the judgment of the Court of King's Bench shall be final.

Judgment on petition subject to appeal before C. K. B.

**145.** It shall be the duty of the contestant to cause an authentic copy of the judgment upon the petition, to be served upon the city, by leaving a copy thereof with the city clerk.

Service of copy of judgment upon city.

If, by such judgment, the election of the defendant is set aside and some other person declared duly elected, the latter shall be received and recognized by the council; but if the election contested be thereby adjudged to be annulled, the seat of the defendant shall be dealt with as vacant, and proceedings for a new election to fill such vacancy shall be forthwith taken, in accordance with the provisions of this charter.

Proceedings thereafter.

- 146.** No election shall be declared invalid by reason,—
1. of non-compliance with the provisions of this act as to the taking of the poll or the counting or addition of the votes;
  2. of any mistake in the use of the forms contained in schedules to this act,—

Non-compliance or mistake not to void election.

if it appears to the tribunal having cognizance of the question, that the election was conducted in accordance with the principles laid down in this act, and that such non-compliance or mistake did not affect the result of the election.

#### SECTION XVI

##### *Meetings of the Council*

**147.** The city council may meet at periods to be fixed by by-law, and may adjourn such meetings by giving notice of such adjournment to the members thereof who may not be present at the time of the adjournment.

Meetings and adjournment.

Who to  
preside.

**148.** The mayor shall preside at all sittings of the council, and do and perform the several duties and be invested with the powers and privileges imposed and conferred upon the mayor of the city by this act until the election of his successor.

Quorum.

**149.** One-third of the whole of the members of the city council shall constitute a quorum, except as otherwise herein provided.

When any-  
thing may  
be done.

**150.** If anything is required to be done by this act on a day certain, it may be done as soon thereafter as possible, provided that the non-accomplishment thereof was due to the want of a *quorum*.

Questions  
determined  
by absolute  
majority.

**151.** The absolute majority of the members present, not including the mayor, pro-mayor, or member presiding at the sitting, shall determine all questions and matters (except the passing of by-laws) submitted to the council; the council shall not in any case vote by ballot.

Without  
counting  
mayor or  
person  
presiding.

**152.** The presence of the mayor, or, in his absence, of the pro-mayor or the member presiding at the sitting, shall not be counted in computing any majority whatever of the members of the council or for making up the number of members required to be present.

Mayor's  
vote.

**153.** The mayor shall preside at the sittings of the council and, in case of an equality of votes, shall have a casting-vote, and in any other case he shall have no vote.

Rules.

**154.** The council may make rules and regulations for its internal government, and for the maintenance of order during its sittings.

Order and  
decorum.

**155.** The mayor shall maintain order and decorum during the sittings of the council; he may cause to be arrested by any police officer or constable or other person any one who may in any way disturb the order of the council during any sitting thereof, and have him, if he sees fit, sent to the nearest police station, to be thence brought before the Recorder's Court, to be dealt with according to law.

Punishment  
for disturb-  
ing pro-  
ceedings,  
etc.

**156.** Any person who in any manner whatsoever disturbs the order or proceedings of the council, or refuses to obey the legal orders of the mayor or person presiding at any sitting of the council as aforesaid, shall be liable, on conviction, for each offence, to a fine not exceeding forty dollars, to be sued for and levied according to law.

**157.** If the mayor or the pro-mayor should be absent Absence of mayor, etc. from any sitting, the council shall choose one of its members to preside; and the city clerk shall preside until such choice is made.

**158.** The council may, by by-law, compel its members Compelling attendance. to attend sittings of the council and discharge their duties.

**159.** The sittings of the council shall be public, un- Sittings public. less, for special reasons, the council decides, by the vote of two-thirds of the members present, to sit behind closed Exception. doors.

#### SECTION XVII

#### *Officers of the Council*

**160.** The council may appoint a city clerk, a treasurer, Officers; appointment, removal, etc. clerk of markets, a city engineer, one or more road, street, bridge and chimney inspectors, one or more collectors and pound-keepers, and such other officers as shall be deemed necessary; and may remove or dismiss any officer, and appoint another in his place, and may exact security from them, and accord salaries to them, which salaries may be increased or reduced, from time to time, in the discretion of the council; and no reduction under this article shall give any claim for damages, as against the corporation, to any person whose salary have been so dealt with.

**161.** The city council may make by-laws defining the Powers of officers defined. powers and attributes of the officers whom it appoints.

**162.** The city of Quebec shall provide a pension fund Pension fund for permanent employees. for its permanent employees, and all necessary powers for such purpose are conferred upon it. The following shall be deemed a permanent employee of the city and as such entitled to a pension for life: every person whose name appears in the municipal budget, whose annual salary is fixed and is voted each year and who forms part of the internal service of one of the departments of the city hall, and who is attached by the nature of his employment to one of the internal services of the city hall. No employee, except upon resolution of the administrative committee, may be appointed permanently and put on the pay-roll of permanent employees, save at the time of preparing the annual municipal budget.

Responsibility of officers for neglect, etc.

**163.** If, by the act or neglect of any officer of the council, or of the said corporation, a suit or complaint brought by the said corporation is dismissed, the court, in adjudicating thereon, may, by its judgment dismissing the said suit or complaint, condemn the said officer to pay the amount claimed in the said suit, with interest and costs, or, in case of a complaint, the costs thereof; and the said amount and interest thereon, together with the costs thereof, or the costs of the complaint, may be levied in the ordinary course of law against the goods and chattels of said officer, without any other formality or proceeding whatsoever being complied with or taken.

Assistants to officers.

**164.** If any officer be absent, or incapable of acting, the mayor may appoint an assistant during such absence, and such assistant shall, during the period for which he shall be so appointed, exercise all the powers and perform the duties of the said officer so absent.

Minutes of proceedings.

**165.** The city clerk shall keep minutes of all the deliberations or proceedings of the city council; the mayor, or, in his absence, the pro-mayor, or the member appointed to preside over the council, shall sign such minutes, and every elector shall have access thereto on payment of twenty cents.

Proof of minutes, etc.

**166.** All copies of minutes, and generally all certificates, documents and papers, signed by the mayor, and countersigned by the city clerk, under the seal of the city, shall be received in all courts of justice, as proof of the contents thereof; and all copies of documents, certified by the city clerk, under the seal of the city, shall be authentic, and shall be evidence, and held as such, in all courts of justice, unless it be specially pleaded that such signatures and seal are forged.

Keeping of accounts by city treasurer.

**167.** The city treasurer shall keep true and correct accounts of all sums of money by him received or paid, indicating the several purposes for which such sums of money shall have been received or paid; the mayor and members of the council shall have the right of examining such accounts at all reasonable times.

Full abstract of accounts by treasurer each year.

**168.** At the beginning of each fiscal year, the treasurer shall make out in writing a full abstract of all accounts, both of receipts and expenses, for and during the preceding fiscal year, and deliver a certified copy to the council. A copy

thereof shall be open to the inspection of all the rate-payers of the said city, at the city treasurer's office, at all reasonable hours, free of charge, and they shall be entitled to a copy thereof on payment of a reasonable price therefor. Copies.

**169.** All officers appointed by the council shall be obliged to render to the said council a true account, in writing, of all matters committed to their charge, and also of all moneys which they shall respectively receive; if they shall not render such account, or deliver up to the said council the papers, books, moneys, documents or other effects belonging to the said council, the said corporation may make complaint before the Recorder's Court, which shall order that a warrant do issue from the said court to arrest and bring such officer before it, and whether such officer shall or shall not appear, or shall or shall not be found, the said court shall hear and determine the said complaint in a summary manner; and, if it shall appear to the said court that the said officer owes money to the said corporation, such court shall issue a writ to cause such moneys to be levied by distress and sale of the goods and chattels of the said offender; and if sufficient goods and chattels shall not be found to satisfy the said moneys and the costs of distress, or if it shall appear to the said court that such officer has refused, or willfully neglected to deliver such accounts or vouchers, books, papers, documents or other effects confided to him, or which were in his custody, or has omitted or refused to deliver them to the said corporation, the said court shall imprison the offender in the common gaol of the district of Quebec, where such officer shall remain, without privilege of bail, until he shall have paid such moneys as aforesaid, or shall have delivered a true account, with vouchers, and shall have delivered up such books, documents, papers, effects and things as aforesaid, or shall have given satisfaction to the said council in relation thereto; but no such officer shall be detained in prison for want of sufficient means, for a longer period than three calendar months. Obligations of city officers. Remedy against officers in default. Imprisonment of offender. Period.

**170.** Nothing in the present charter contained shall prevent or restrict any judicial remedy against any officer offending as aforesaid in the preceding article, or against any surety for any such officer. Other remedies not impaired.

**171.** The mayor may, whenever he shall consider it necessary, require the recorder to institute an inquiry into the conduct of any officer or servant of the corporation, in his capacity as such, and the said recorder shall for that Inquiry into conduct of officer, etc.

purpose be vested with all the powers conferred upon him by article 188 of this charter, in the case of an inquiry ordered by the council.

Suspension  
of officer.

**172.** The mayor may suspend any officer or servant from the performance of his duties, and such suspension may continue until the council of the city shall thereupon decide on the report of the administrative committee.

Mayor exer-  
cises super-  
intendence,  
etc.

**173.** The mayor exercises the right of superintendence, investigation and control over all the departments and officers of the city, and especially sees that the revenue of the city is collected and expended according to law, and that the provisions of the law, as well as all by-laws, rules and regulations of the city, are faithfully and impartially enforced, and, from time to time, lays before the council such proposals for alterations as he may deem necessary and advisable; and shall communicate to the council such information and suggestions as may tend to the improvement of the finances, police, health, security, cleanliness, comfort and progress of the city.

Right to sus-  
pend officer,  
etc.

In the exercise of his functions as the executive head of the municipal administration, the mayor has the right, at any time, to suspend any officer or employee in the service of the city, and, in such case, the mayor shall, at the earliest opportunity, report the matter to the administrative committee, stating in writing the reasons for such action on his part.

Approval  
and signing  
of by-laws.  
etc.

**174.** Every by-law, resolution, obligation or contract shall, within forty-eight hours after the approval of the council, be presented by the clerk to the mayor for his approval and signature.

Reconside-  
ration if not  
approved.

If he refuse to approve thereof he returns the same, with his objections in writing, to the clerk, who submits them for reconsideration at the next session of the council, as a matter of urgency and privilege.

Signature by  
mayor, in  
case by-law  
reaffirmed.

If the absolute majority of the members of the council reaffirm such by-law, resolution, obligation or contract, the mayor is bound to sign and approve the same, and, if he refuse so to do, such by-law, resolution, obligation or contract is legal and valid as if signed and approved by him, subject, nevertheless, to any special provisions of the law by which a specified majority of the council is required for the approval of any by-law, resolution, obligation or contract, or where the approval of the mayor is specially required.

Proviso.

**175.** The clerk of the city of Quebec may, for and in the name of the corporation, reply to all interrogatories upon articulated facts served upon the corporation, and the treasurer thereof shall have power to make the declarations required by law for and in the name of the corporation as garnishee, without being authorized by a resolution of the city council to that effect.

Clerk replies to interrogatories.  
Treasurer makes declarations.

## SECTION XVIII

*Auditors, their appointment and duties*

**176.** The council shall appoint a permanent auditor with a salary.

Auditor.

**177.** No person may be auditor unless he shall have been a resident householder within the city of Quebec for one year next before his appointment.

Qualifications.

**178.** Any vacancy occurring in the office of auditor shall be filled by the council.

Vacancy.

**179.** Every auditor, before acting as such, shall take the oath of office mentioned in schedule I of this charter, of which it forms part; and such oath shall be administered by the recorder of the city or by a justice of the peace for the city or for the district of Quebec.

Oath of office.

**180.** During the fiscal year, the city auditor shall examine the treasurer's accounts for the previous fiscal year, with all vouchers and papers connected therewith, and certify them correct, if they shall be so, and return them to the treasurer.

Duties of auditor.

**181.** In his report to the council, accompanying the treasurer's report, the auditor shall declare upon oath whether the city treasurer has or has not complied with the requirements of the present charter with regard to the sinking-fund.

Report as to sinking-fund.

## SECTION XIX

*Fire Commissioner*

**182.** The fire commissioner for the city of Quebec is entitled to an annual salary of three thousand dollars, to be paid by the city of Quebec by quarterly payments; and in addition to the said salary, he is entitled to receive from

Salary of fire commissioner, etc.

the said city, for every original subpoena, twenty cents, and, for each copy thereof, five cents, and, for every warrant, warrant of arrest, or warrant of commitment, fifty cents.

Recovery from insurance companies.

**183.** The city is entitled to recover from the fire insurance companies or their agents, doing business in the said city, two-thirds of the amount so paid by it, in such manner and at such periods as may be determined by by-law, which it is authorized to make, and from time to time to change or alter; and by such by-law the said city may establish the proportion to be paid by each of the said fire insurance companies, and, in case of non-payment, the action to that effect shall be brought before the Recorder's Court and decided according to the law regulating the said court.

Pension of fire commissioner.

**184.** After thirty years' service, the fire commissioner of the city of Quebec shall be entitled to a pension equal to his salary, payable in the same manner and by the same persons as provided by articles 182 and 183.

#### SECTION XX

#### *Other powers of the Council*

Administrative committee;

Composition;

Mayor *ex officio* chairman;

City clerk, secretary;

Quorum;

Term of office;

Absence of chairman;

Vacancy;

Idem;

**185.** At its first meeting after a general election, the council shall appoint an administrative committee composed of four of its members and of the mayor, which committee shall have the powers and duties conferred upon it by the present charter:

*a.* The mayor shall be *ex officio* a member of the said committee, and chairman thereof;

*b.* The city clerk or, in his absence, the assistant clerk, shall be secretary of the committee;

*c.* Three members shall be a quorum of the executive committee. The chairman of the committee shall vote only as a member;

*d.* The members of the administrative committee remain in office until they are replaced;

*e.* In the absence of the chairman, another member shall be appointed by the members present to preside over the meeting;

*f.* Every vacancy in the administrative committee shall be filled by the council within thirty days of its occurrence;

*g.* While the vacancy subsists the remaining members may act, if they constitute a quorum;

*h.* The resignation of a member of the administrative committee is without effect until it has been accepted by the council;

Resignation;

*i.* The members of the administrative committee are entitled to vote on any measure, question or report submitted to the council;

Voting;

*j.* Every matter within the jurisdiction of the council, except where otherwise provided, shall be submitted to the administrative committee for a report, and, if the committee does not report to the council, the latter cannot act;

Matters submitted to committee;

*k.* No decision of the administrative committee may be rejected or altered by the council, except by the majority of the members present, exclusive of the mayor, and every report of the said committee the adoption whereof has not been opposed by the above number of aldermen, or upon which the council shall not have pronounced for two consecutive meetings, shall be deemed to be approved and adopted by the council;

Decisions of committee;

*l.* The administrative committee shall communicate its decisions and suggestions to the council, by means of reports signed by its chairman and secretary;

Reports to council;

*m.* The administrative committee may award any contract and authorize the payment of any account entailing an expenditure of not over one thousand dollars, without the approval of the council, and every such contract and account shall be signed by the chairman of the administrative committee and by the clerk on behalf of the city;

Awarding of certain contracts;

*n.* Except where otherwise provided, appropriations voted by the council, either in the budgets or from the proceeds of loans or otherwise, shall remain at the disposal of the administrative committee, which shall see to their employment for the purposes for which they were voted, without other approval from the council;

Appropriations at the disposal of committee;

*o.* The administrative committee must see that the law, the municipal by-laws and contracts of the city be faithfully observed and carried out;

Observance of laws, etc.;

*p.* The administrative committee shall see to the drawing up of plans and specifications and calling for tenders;

Drawing up of plans, etc.;

*q.* The committee shall be entitled to make all rules and regulations which it may deem proper for the despatch of the business before it.

Regulations.

**186.** The council may appoint special committees, composed of a certain number of its members, for the discharge of the duties within its jurisdiction, but such committees shall be subject in all things to the approval, authority, and control of the council.

Committees.

Vote of  
mayor and  
chairman.

**187.** The mayor may take part in the discussions and vote in all committees of the council; and the chairman shall only have a casting-vote in the case of an equal division.

Cognizance  
by recorder  
of malfeasance  
of  
officers.

**188.** The council may, by a resolution, cause the recorder of the city of Quebec to take cognizance of all matters mentioned in such resolution, whether it relates to any alleged malfeasance, violation of deposit, or other improper conduct, of any of its members, officers, employees or contractors, insofar as such acts shall have been committed by the offender in his capacity of member, officer, employee or contractor, or whether it relates to the good government, or the administration of any portion of the public affairs of the city; and the recorder shall thereupon make an investigation, and he shall have, for this purpose, all the powers given by the Inquiries Act (Revised Statutes of Canada, 1927, chapter 99) to commissioners named by virtue of the said act, and he shall report to the council the result of such investigation with all possible diligence.

Powers of  
recorder in  
such case.

Summoning  
of persons  
for purposes  
of inquiry.

**189.** Upon any inquiry or investigation being entered into before the council or any committee thereof, it shall be lawful for the mayor or other person representing him, to issue his summons requiring any person to appear before the council or any committee thereof as aforesaid, for the purpose of giving evidence touching the said inquiry or investigation; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before such council or committee, or if any person appearing in obedience to such summons shall refuse to be examined on oath, touching the said inquiry or investigation, it shall be lawful for the mayor to enforce the attendance of all such persons and to compel such persons to answer all lawful questions by the like means as are used for such purposes in the ordinary courts of civil jurisdiction in the Province of Quebec.

Annual report of sanitary operations to Prov. Bureau of Health.

**190.** In the month of January, in each year, the city council shall transmit to the Provincial Bureau of Health a report on the sanitary operations of the year ending the 31st of December preceding.

## SECTION XXI

*Contracts*

**191.** Every contract, wherein the consideration exceeds one thousand dollars, which shall be given by the city for work to be done for it, or for articles or materials to be supplied to it, shall be passed by notarial deed; and the party contracting with the city shall, as security for the performance of his contract, furnish such security as may be fixed, before the granting of the contract, by the council, or by the mayor if the council has delegated such power to him. Contract by notarial deed.

If the council has not fixed the security to be furnished, or if it has not delegated this power to the mayor, or decided that no security is necessary, such contract shall be void. Security.

Whosoever executes a contract for the city of Quebec shall pay his workmen the same salary as the said city pays to its workmen of the same class. Salaries.

**192.** The letting of the stalls of the various market halls of the city, or of any other premises, shall be effected by notarial deed, and the lessee shall furnish, to the satisfaction of the mayor of the city, the necessary guarantees. Letting of stalls, etc., by notarial deed.

**193.** The possession of a stall or other premises, leased by the city as above, shall not be given to a lessee until the guarantees are furnished and the lease signed by the mayor. Guarantees.

## SECTION XXII

*Assessments for municipal purposes—Assessors, their appointment and duties*

**194.** Four or more assessors shall be appointed by a special board, called the Assessment Board, and consisting of the mayor, the recorder, and a member of the administrative committee appointed for such purpose by the council. Assessment Board.

Such assessors shall remain in office during the pleasure of the said board. Office.

**195.** No person shall be eligible as assessor unless he is seized or possessed to his own use of real or personal estate, or both, within the city, after payment or deduction of his just debts, of the value of one thousand dollars, or has furnished a guaranty policy for two thousand dollars. Qualification.

Division of work. **196.** The Assessment Board shall determine in what manner the assessors shall divide the work.

Remuneration. **197.** The remuneration of the assessors shall be fixed from time to time by the Assessment Board, and any vacancies among the assessors shall be filled by the said board.

Oath of office. **198.** The assessors cannot act as such before having taken, before the mayor or before another member of the Assessment Board, the oath of office, qualification and allegiance mentioned in schedule J of this charter.

Quorum. **199.** Two members of the said board, present at any meeting of the said board, shall be competent to exercise all the powers conferred on the said board by this charter.

Valuation roll. **200.** Every year between the first of October and the first of March, the assessors shall draw up, for each ward of the city, a valuation roll of all the immoveables situate within such ward, with the names and the numbers of streets in which such immoveables are situate, as well as the cadastral numbers, names, surnames and occupation of the proprietors, and their actual residence as far as may be ascertained, except in the case of estates in which the name of the person from whom it is derived shall be sufficient, and except in the case where heirs are not known according to the registers of the registration office or who do not give their names or callings to the assessors, which valuation roll shall come into force according to the provisions of articles 215 and following of this charter, and which roll shall serve as a basis for preparing the budget and for imposing taxes on immoveables for the fiscal year beginning on the first of May following.

Supplementary valuation roll. **201.** Between the 1st of May and 1st of September of each year, the assessors shall make a supplementary valuation roll of immoveables for every immoveable or part of an immoveable which was not assessed at the time of the first roll made between the first of October and first of March of each year. The assessors shall, in addition, complete such valuation rolls so made on the dates mentioned according to article 200 and this article, by correcting and inserting in the rolls the changes which have occurred between the first of February and the first of September of each year, through change of ownership, transfer by inheritance or otherwise; by inserting the immoveable con-

tributions assessed on each such immovable under the by-laws passed for such purpose.

The said assessors shall further draw up a collection roll of all other personal taxes, business taxes and of all other taxes due to the city under any law or any by-law, as well as the names of the persons subject thereto. Such roll shall be drawn up by wards.

**202.** The revision of the supplementary immovable valuation and collection rolls shall be made annually according to the provisions of articles 215 and following of this charter.

**203.** The assessors shall have the power to assess during the whole year of their term of office.

**204.** The Assessment Board shall regulate and determine the time when the assessors of the city shall annually begin their duties, the manner in which they shall perform them, the period within which they shall annually make their first general return of the assessments to be levied in the said city, and the time and manner in which they may or shall correct their said return, by extending the same and adding thereto the names of any parties omitted or who shall have become known to the said assessors, or shall have arrived in the said city subsequently to the making thereof, or who shall have become liable to any assessment, tax or duty, to the said city, at any time after the said general return shall have been made.

**205.** The assessors may exercise, either collectively or separately, each and every one of the powers which are conferred upon them by this charter, or by any other act, or by the by-laws of the council now in force, or by those to be hereafter made by the said board.

**206.** The assessors shall, in future, enter in their books the names of all the proprietors, tenants or occupants of immovables, with a statement of the market value, the leasing value or the rent, as the case may be, of each immovable or part of an immovable occupied separately, even if such proprietor, lessee or occupant, pays or does not pay taxes to the city.

**207.** The assessors shall take, as the basis of their valuation, the interest upon the real value of such property, if they consider the rental is an unfair one and disproportioned to the value of the property assessed.

**208.** In the valuation of lands under cultivation not subdivided into building lots, situated within the limits of the city of Quebec, the value of such lands shall be established according to their agricultural destination only, and shall not exceed one hundred dollars an arpent, so long as they are under cultivation and are not subdivided into building lots.

*Idem.* This article shall only apply to lands under cultivation belonging to farmers by profession living on the revenue from their lands, as well as to religious communities cultivating their land for their own uses.

Valuation of lands exceeding one hundred dollars an arpent. In all cases where the valuation of lands and buildings exceeded one hundred dollars an arpent at the time of the annexation of such lands to the city, such valuation shall not be raised to a sum higher than it was at the time of the said annexation, as long as such lands are used exclusively to obtain agricultural revenue. This provision shall apply to valuations already increased, which shall be restored to the original rate to which they were previously subject.

Apportioning assessment between owners and tenants. **209.** If an immoveable in the city is occupied partly by the proprietor and partly by tenants, the assessors shall determine the amount of the assessment to be paid by the proprietor for the portion of the immoveable occupied by him by basing the assessment on the rent or on the leasing value of the portion occupied by him as compared with the leased portion.

Statement to be furnished by certain proprietors. **210.** Proprietors of houses containing several lodgings or offices in the city, shall furnish the assessors in writing, when thereunto required by the latter, with a full list of their tenants or occupants and the amounts paid by each of them for the rent or occupation of such lodgings or offices.

Penalty for default. Every such proprietor who refuses to give such list, or who knowingly gives a false or incorrect list, shall incur a penalty not exceeding forty dollars recoverable by suit before the Recorder's Court.

List of certain employees to be given, etc. **211.** Every person keeping a store, shop, factory, agency, hotel or business office of any kind in the city, and having employees, shall furnish the city assessors in writing, when thereunto required, with a full list of the said employees mentioning their residences; and every person

Penalty for default. above mentioned who refuses to give such list or who knowingly gives a false or incomplete list shall incur a penalty not exceeding forty dollars recoverable before the said Recorder's Court.

**212.** In taxing immoveable property in the city, the assessors shall base their valuation on the actual real, commercial and market value at the time of the assessment. Basis of valuation.

**213.** Any person who shall refuse to reply to the questions which are put to him by any assessor in the discharge of the duties imposed upon him by law, or who shall give information to the said assessor which he knows to be false, or who shall verbally insult or slander or strike such assessor, or who shall refuse to allow any such assessor, in the discharge of his said duties, to enter in and upon his property or the localities occupied by him, shall incur, for each such offence, a penalty not exceeding forty dollars, which shall be recovered, according to law, before the Recorder's Court of the said city. Person refusing to furnish information, etc. Penalty.

#### SECTION XXIII

##### *Revision of the assessment rolls*

**214.** The city assessors shall constitute a board, called the "Board of Assessors" a majority whereof shall be a quorum. "Board of Assessors".

**215.** The clerk of the Recorder's Court or his assistant shall act as clerk of the board, and shall keep a register in which he shall enter in a summary manner the proceedings and decisions of the board. Clerk of board.

**216.** As soon as the assessors shall have deposited the assessment roll in the office of the city treasurer, the latter shall publish a notice of such deposit during three weeks in a French and in an English newspaper of the city. During the three weeks following the date of the first publication of the notice of such deposit, all persons considering themselves aggrieved by any entry, estimate or charge in the said assessment roll, shall file a complaint before the Board of Assessors of the city, in writing, and sworn to before a justice of the peace, a member of the council or the clerk of the Recorder's Court of the city. Such complaint shall be filed during the same period with the Board of Assessors, and the clerk of the said board shall give, in the said newspapers, notice of the days and hours when they will hear the complaints. Notice of deposit of assessment roll, etc.

**217.** The assessor who has valued the property respecting which a complaint was made before the board cannot sit nor hear the complaint. What assessor cannot sit.

**Swearing of witnesses, etc.** **218.** When complaints are heard, the witnesses may be sworn by the clerk of the said board or by one of the assessors. The depositions of the witnesses need not be taken down in writing, but each party may, at his own expense, employ a stenographer to take down such depositions.

**Adjournment of sittings of board.** **219.** The Board of Assessors may adjourn from time to time when necessary, to enquire into and decide upon the complaints laid before them, but they shall give their decision within as short delay as possible.

**Appeal to Recorder's Court.** **220.** Every ratepayer who has filed a complaint respecting an entry in or omission from the assessment roll and who considers himself aggrieved by the decision rendered by the assessors, may, within a delay of eight days from the service in writing of such decision, appeal therefrom, by petition to the Recorder's Court.

**Filing of petition in appeal, etc.** **221.** Such petition, as well as a copy of the proceedings had before the assessors, certified by the clerk of the said board, shall be filed in the office of the clerk of the Recorder's Court, who shall give the petitioner notice of the day and hour when the said court will take cognizance of such petition.

**Taking of depositions.** If either of the parties so requires, the depositions shall be taken in shorthand before the Recorder's Court, which by its judgment shall adjudge as to the cost of such depositions.

**Assessors as witnesses.** **222.** In any such appeal to the Recorder's Court, the assessors may be witnesses according to the ordinary rules.

**Appeal to Superior Court.** **223.** The party who is not satisfied with the decision of the Recorder's Court in connection with the said complaint may, within ten days following such decision, appeal to the Superior Court, whose judgment shall be final and without appeal. Each party may have witnesses heard before the Superior Court, which, by its judgment, shall adjudge the costs of the appeal.

**Procedure.** Such appeal shall be taken by an inscription filed in the office of the Recorder's Court, notice whereof shall be given to the adverse party. Within a delay of five days, the clerk of the Recorder's Court shall transmit the record to the office of the prothonotary of the Superior Court.

**Delays allowed to be final.** **224.** All the delays mentioned shall be final, so that any complainant who shall neglect to make his complaint or proof within the time specified, and take out such appeal

within the prescribed delay, shall be foreclosed from so doing, and be held responsible for and compelled to pay the amount for which he may be assessed, according to the said assessment books, together with all sums charged against him for assessments, taxes, rates, imposts, duties, or other municipal charges.

**225.** In any case where, after the making up of an assessment book, it shall become necessary to correct or amend the errors or omissions that may be found therein or to make amendments thereto, or whenever persons, not subject to assessment or to any tax whatsoever at the time of the making up of the said assessment book, shall, thereafter and within any period of the fiscal year, become subject to the payment of such assessment, rate or tax, such correction of errors or omissions shall be made in such assessment book on petition to that effect addressed by any assessor to the Recorder's Court; provided such application shall not be made for more than the current year and the four preceding years.

**226.** The said petition shall be served on the interested party with a notice of its presentation, with a delay of two clear days, and proceedings shall be had thereon in accordance with the procedure of the said court; and, if the said petition be proved, the said court shall order such error or omission to be rectified or such entry to be made in the assessment book as it may deem proper.

**227.** If, at any time, it be ascertained that a property has been assessed at a leasing value less than the amount for which it has actually been leased, and if such undervaluation be due to inaccurate information supplied to the assessor, it shall be lawful for the assessor to present a petition to the Recorder's Court, setting forth the facts, and praying for authority to enter in the assessment books the additional assessments and taxes which would have been due on the difference between the leasing value entered in the books and that which should have been entered therein.

Such petition shall be served upon the proprietor of the immoveable so undervalued at least five days before presentation of the same, and proceedings shall be had thereon as in the case of a complaint by ratepayers.

No increase of assessments or taxes can be asked for, by such petition, for more than the past five fiscal years.

**228.** If the assessment on immoveables in the city is

based on their real value instead of on their leasing value, the assessor's petition shall then be to the effect that they be authorized to enter in the assessment books the additional assessments and taxes accruing through the difference between the real value entered in the book and that which should have been entered.

Complaint  
by corpora-  
tion.

**229.** Whenever the corporation shall consider itself aggrieved by an entry made in any of the assessment or valuation books of the city, it shall be competent for the city treasurer, in the name of the corporation, to complain of any such entry, in the manner and at the time prescribed by article 216 of this charter.

Recorder's  
Court to  
correct  
errors.

**230.** The Recorder's Court may also at any time, on demand brought before it by the city treasurer, correct any error and supply any omission whatsoever, as to the right of property, possession or occupation of any immovable property within the city, or as to the name, quality, or domicile of any person subjected to any assessment or tax whatsoever, which now or hereafter may exist in any assessment book for any specified year, in conforming to the procedure as laid down in articles 226 and 227 of this charter.

Presump-  
tion as to as-  
sessment  
book, etc.

**231.** Any assessment book or roll appearing to be an assessment book or roll of the city, or of one of the wards thereof, for a given year, and produced before a court of justice, shall, until proof to the contrary, be presumed to be an assessment book or roll of the city or of such ward thereof for the said year.

#### SECTION XXIV

##### *Ordinary Assessments*

Council to  
make by-  
laws.

**232.** The council may, at any meeting thereof composed of the absolute majority of the members thereof, make by-laws for the following purposes:

Raising  
money by  
assessment.

*a.* For the raising, assessing and applying such moneys, as may be required for the execution of the powers with which the said council is now, or may be hereafter invested, either by imposing tolls and rates, to be paid in respect of any public works within the city, or by means of a rate or assessment, to be assessed and levied each and every year, on real or personal property, or both, within the city, or upon the owners or occupants thereof in respect of such property;

b. For imposing taxes on animals, carriages, trades, commerce, traffic, manufactories, industries, occupations, business, arts, professions, or means of gain or livelihood which are now or may hereafter be used, exercised or put in operation in the city, on their agents or agencies, and on the premises wherein or whereupon they are and may be carried on, exercised or put in operation, and on all ferry-men between the city and another locality, not being at a greater distance than twelve miles from the city, and upon every circus company or circus giving exhibitions or having performances or processions in the city, provided that, for railway, telegraph and express companies, such taxes do not exceed, in any case, the sum of two hundred dollars per annum.

Imposing taxes on animals, etc.

**233.** The amount of the taxes for carrying on any business, trade or profession, in the city, by persons residing outside its limits, but theretofore paying no municipal tax to the city, may be different from the amount of the said taxes enacted from persons residing therein. Such taxes may be levied in the form of permits or licenses.

Taxes different for outsiders.

**234.** Each and every special tax imposed in virtue of the foregoing provisions may, at the option of the council, be either a fixed annual tax on all or any of the divers classes of persons subject to such taxes and on the premises by them occupied for the ends of their commerce, trade or industry, or a proportional tax, to be determined by the said council, according to the assessed real value of the immoveable or any part thereof occupied as such, or according to the annual value of the rental of such immoveable or any part thereof occupied as aforesaid by the persons subject to such tax, or to both modes together, that is to say, a fixed tax on the person subject to said tax and a proportional tax on the immoveable occupied as aforesaid, or only a fixed tax on the said person, according as the said council shall in each case consider it more advantageous for the city.

Special tax.

**235.** For the ends of this act, all persons shall be reputed wholesale dealers who habitually sell to other dealers; wholesale and retail dealers, persons who habitually sell to dealers and non-dealers; retail dealers, those who habitually sell to non-dealers.

Wholesale dealers, etc.

**236.** In the case of taxes imposed on the partner of a firm or company of merchants, such taxes may be claimed and recoverable in the manner prescribed for the recovery

Tax on partner of firm.

of assessments, taxes or rates imposed by the said council, either against such partner or against the firm or company of which he is partner.

Non-com-  
mercial  
partnership.

**237.** In non-commercial partnerships, any personal tax imposed on persons exercising any profession or trade in the city shall be payable by each such person individually, notwithstanding the fact that he exercises such profession or trade in partnership with others.

Agents car-  
rying on  
business.

**238.** In all cases where the council is authorized by law to impose a tax or taxes on the agency or agent of any person, company or firm whatsoever, incorporated or not, carrying on or exercising any trade or business whatsoever, or any banking business or commercial business, in the city, such tax or taxes may be claimed and recovered in the manner above set forth against the agency or agent of such person, firm or company in the city.

Agents of  
insurance  
companies.

**239.** All and every agent or agents of all and every insurance company, or all and every agency of an insurance company having an office or doing business in the city of Quebec, and also all and every agent or agents of all and every merchant, firm of merchants, or of any mercantile concern whatsoever having an office or doing business in the city of Quebec, shall be held personally responsible towards the corporation of the city of Quebec, for all taxes or duties imposed by the city council on each and every one of them as such agent or agents of all and every insurance company or on all and every agency of insurance company, or as agent or agents of all and every such merchants, firm of merchants, or of any mercantile concerns whatsoever.

Definition of  
words:  
"agent",  
"agency".

**240.** The words "agent" or "agency", in the foregoing articles, signify any and every agent or any and every agency of one and the same company or partnership having several distinct and separate agents or agencies in the city, and the special tax imposed on the different trades, business or occupations hereinabove specified, shall be payable for such and every establishment of such trade, business or occupation in the said city, when it shall be carried on by the same person, firm of persons or company in a distinct and separate house or place of business.

Persons sub-  
ject to per-  
sonal tax.

**241.** Every person of the male sex above the age of twenty-one, and under the age of sixty-five years, not otherwise personally taxed, shall pay an annual or capita- tion tax of two dollars currency.

**242.** The following persons are exempt from the said <sup>Persons</sup> capitation: the officers and soldiers of His Majesty or of <sup>exempted.</sup> the Militia in active service.

SECTION XXV

*Special provisions and licenses*

**243.** A personal fixed and annual tax of one hundred <sup>Business tax</sup> dollars is hereby imposed on all persons or firms of persons <sup>on mer-</sup> doing business in the city of Quebec as merchants, or <sup>chants, etc.</sup> firms of merchants, or agents, or clerks, or employees of such merchants, or firms of merchants having their offices or stores within the city of Quebec, but having their sheds, coves, warehouses, factories or wharves, outside the limits of the said city, the said tax to be paid in addition to all other taxes or duties already imposed on all merchants, or firms of merchants in the said city.

**244.** A personal tax of two dollars shall be imposed <sup>Personal</sup> upon and be payable annually by any person carrying on <sup>tax.</sup> any business or profession, trade or occupation, and upon any person carrying on the same in the city himself or through an agent.

Nevertheless every person over sixty-five years of age <sup>Exception.</sup> shall be exempt from such tax.

**245.** The personal tax of two dollars mentioned in <sup>Personal</sup> article 244 is declared to have been and to be payable by <sup>tax.</sup> every person residing within the city, who has regular employment or earns a yearly salary therein, and, in future, shall be payable by every such person whether they reside within or without the city.

**246.** Notwithstanding any law or by-law to the con- <sup>No tax on</sup> trary, the city of Quebec cannot impose a personal tax on <sup>outside</sup> workmen not residing within its limits. <sup>workmen.</sup>

**247.** All licenses shall be issued under the signature <sup>Issuing of</sup> of the chief of police of the city, on the certificate of the <sup>licenses.</sup> city treasurer that the price of license has been paid by the person applying for such license.

**248.** Any person carrying on in the city any com- <sup>Penalty for</sup> merce, trade or business for which a license ought to be <sup>carrying on</sup> previously taken out and obtained as aforesaid, without <sup>business</sup> such license, shall incur for such offence a fine not exceed- <sup>without</sup> ing five hundred dollars, to be recovered conformably to <sup>license.</sup> law, before the Recorder's Court of the city.

Duration of licenses.

**249.** Every license which the corporation of the city is authorized to issue under this charter shall be valid from the day of the issuing thereof until the first day of May then next, and no longer.

License for owners of steamers, etc.

**250.** All owners or masters of steamers, steam tow-boats or steamboats, and all agents of owners or masters of steamboats (oceanic steamers excepted), plying within the limits of the city, or towing in the harbour of Quebec, having no office or place of business in the said city, shall be bound to take out annually on the first day of May, in each year, or before allowing such steamers, steam tow-boats or steamboats to ply within the said limits or to tow in the said harbour as aforesaid, from the chief of police of the city, a license, for which they shall pay to the treasurer of the city the sum of twenty dollars for each such license, under pain of a fine not exceeding forty dollars for each contravention of the provisions of this charter.

License for merchants, etc., non-resident.

**251.** Every merchant, firm or company of merchants, and all agents, clerks or employees of such merchant, firm or company of merchants not residing in the city, and having no office or place of business within the city, but doing business therein, as such merchant, agent or clerk or employee of such merchant, firm, or company of merchants, shall be bound to take out annually, on the first day of May in each year, a license from the chief of police of the city, before they may exercise their trade, commerce or business in the city, for which license they shall pay respectively to the treasurer of the city, the sum fixed by the by-laws of the city, the said license to be taken under pain of a fine not exceeding three hundred dollars for each contravention of the provisions of the present article.

#### SECTION XXVI

#### *Collection of assessments*

Treasurer authorized to give notices, etc.

**252.** The city treasurer, as respects all taxes and assessments to be imposed, is hereby authorized to give the notices (schedule K) of this charter, make the demands (schedule L) of this charter, to be signed by the city treasurer or bear a *fac simile* of his signature, and for the said notices the treasurer is authorized to charge a sum of twenty cents for each notice, and ten cents for the signification thereof by the bailiff, and in default of payment to seize and sell by warrant to be issued by the Recorder's Court, according to schedule M of this charter; and, in the event of any oppo-

sition being filed, the proceedings shall be remitted to the Recorder's Court, which shall have full power to act and adjudicate therein, subject to an appeal when an appeal is granted by law.

**253.** Whenever the person upon whom such notice and demand has been served has any defence to the claim of the said corporation, he may, within ten days from the day on which such service has been made, present to the Recorder's Court a petition of which notice shall be given to the city treasurer, setting forth the nature of his defence, and praying that no further proceedings be taken on such notice and demand, which petition shall in all cases be supported by affidavit; upon the presentation of such petition, the Recorder's Court shall proceed to adjudicate thereupon, and if it be dismissed, the notice and demand served shall have the same effect as if no such petition had been presented; and if the said petition be maintained, the Recorder's Court shall make such order thereupon as the justice of the case may require.

Delay to present petition for defence, etc.

**254.** But the said corporation may also sue for the recovery of any ordinary or special assessment, tax, duty, or municipal dues whatever, owing to the corporation, by action before the Recorder's Court, and in accordance with the law regulating the said court.

Suit for recovery of tax, etc.

**255.** Whenever any assessment, tax, rate or municipal dues whatever shall have been imposed on any moveable or immoveable property belonging to several co-heirs, or possessed *par indivis* by several persons whose names cannot easily be ascertained by the assessors, it shall suffice for the said assessors to inscribe in the assessment book the name of one of the co-heirs or co-possessors; and the co-heir or co-possessor whose name shall be thus inscribed shall be held liable for the full payment of the assessment, tax, rate, or other municipal dues so imposed, reserving his remedy as by law against his co-heirs or co-possessors.

Inscription of property possessed par indivis.

**256.** No person assessed on real property shall pay less than one dollar in each year, even if the amount of his assessment shall be less than that sum.

Minimum payable.

**257.** No execution issued and no judgment obtained against the proprietor, or the tenant or occupant, shall deprive the said corporation of the power of prosecuting and executing the judgment obtained for the payment of the said assessments, taxes, rates or other municipal dues,

Execution, etc., not to affect power of corporation to prosecute.

against any said proprietor, tenant or occupant, if such payment cannot be obtained from that one of them who shall have been already sued in the matter.

Water-rates,  
etc.,  
payable by  
proprietors.

**258.** Proprietors or persons in possession as proprietors of immoveable property within the said city shall be held and bound to pay all the assessments and water-rates duly imposed on the said property.

When prop-  
rietor domi-  
ciled outside  
the city.

**259.** If a proprietor or possessor of an immoveable property is domiciled without the limits of the city, the tenant or occupant shall be liable for all the taxes and water-rates imposed upon the property, and such tenant or occupant shall have the right to deduct the same from the rent payable to the proprietor.

Taxes on  
lots of land.

**260.** The municipal taxes imposed upon any lot of land may be claimed as well from the tenant, occupant or other person possessing such lot as from the proprietor, and from any person subsequently acquiring such lot, even when the tenant, occupant, possessor or acquirer is not entered on the valuation roll.

Refund.

**261.** In the month following the expiration of any fiscal year, the proprietor, whose property has been vacant for the whole year, or for a period of at least three consecutive months in such year, may obtain a refund, if he has paid, and, if he has not, a reduction of the water-rates on such property, proportionate to the time it has been so unoccupied.

Not to in-  
clude cer-  
tain water-  
rate.

But this refund or reduction shall not include the part of such water-rate corresponding to the three cents in the dollar exacted on all property.

Application  
by petition.

The application for the above refund or reduction shall be made by summary petition to the Recorder's Court, after one clear day's notice to the city treasurer.

"Vacant  
property".

The words "vacant property" in this article mean property which is not occupied by any one and for which the proprietor has no tenant.

Require-  
ments to be  
entitled to  
refund.

But in order to be entitled to such refund, it shall be necessary that the officers of the waterworks' department of the city shall have turned off the water from such property on application to that effect; the proprietor must previously pay to the city one dollar for the cost of turning off the water each time it has been turned off.

Extension of  
delays.

**262.** Nevertheless, failure to demand the said refund within the delay above mentioned shall not prevent the

proprietor from presenting his petition during the eleven other months of the fiscal year, provided it be proved that he was prevented from presenting his petition by irresistible force or for any other reason deemed valid by the Recorder's Court.

**263.** If the assessment on immoveables in the city is <sup>Basis of re-</sup>based on their real value instead of on their leasing value, <sup>payment.</sup> the repayment or reduction of the water-rate shall be only in the proportion of three-eighths of one per cent.

**264.** All the taxes, assessments or licenses thus im-<sup>Collection,</sup>posed shall be levied and collected only on the kind of <sup>etc.</sup>business and other occupations mentioned in the by-laws of the city, and the possessors of the real estate shall not be responsible for the said taxes due by their tenants.

**265.** All assessments, taxes, rates, or other municipal <sup>Privilege for</sup>dues whatsoever payable to the corporation shall be privi- <sup>taxes, etc.</sup>leged and payable, as regards those imposed upon immoveables, according to the rank given to taxes and assessments by article 2009 of the Civil Code, and, as regards the others, by article 1994 of the said code.

Such privilege, which need not be registered, shall extend <sup>Extent of</sup>to four years elapsed, in addition to the current year; and <sup>privilege.</sup>as regards immoveables, it shall affect only those upon which or with respect to which such assessments, taxes, rates, or other municipal dues, shall have been imposed; as regards moveables and effects, such privilege shall extend only to the moveables and effects possessed by the debtor or being within the limits of the city, except when the debtor has transported them outside of the limits of the city.

**266.** The same moveables and moveable effects, which <sup>Privilege of</sup>by law are security for the payment of the rent of an <sup>city.</sup>immoveable or part of an immoveable, shall be subject to the privilege of the city for the payment of every personal tax or business tax due to the city by reason of any business, trade or profession being exercised or carried on, in or upon such immoveable or part of an immoveable.

**267.** In case the assessment books for the current year <sup>When books</sup>are not made and completed at the period at which the <sup>not com-</sup>said privilege shall be exercised or claimed, the corpora- <sup>pleted.</sup>tion may demand, for the current year, the assessment, taxes, duties or other municipal dues entered against such debtor for the preceding year in the said books of assess-

ment, and it shall be for the debtor to establish that, since the completion of the last books of assessment or the expiration of the fiscal year of the city, he has ceased to be liable for such assessment, duties, taxes or other municipal dues or any of them.

Entry on roll in cases of separation as to property between husband and wife.

**268.** In all cases of separation as to property between husband and wife stipulated by marriage contract or existing by virtue of a judgment of a court of justice, whether such separation took place before or since the passing of the present act, in each and every case it will suffice to enter the name of the husband or that of the wife on the roll of assessments of the city of Quebec for the assessments, rates, taxes and personal taxes, and the water-rates to be imposed on the moveable or immoveable property belonging to the wife so separated as to property; and all judgments so rendered against the husband alone may be levied against the moveable or immoveable property of the wife, without the latter having a right to stay the execution of the judgment by any opposition based solely on the fact of such separation.

Person occupying property exempt from taxes.

**269.** If any person, other than the proprietor, occupy, for commercial or industrial purposes, a property exempt from assessments or taxes, the corporation may impose upon such person an amount of assessments and taxes equal to the half of that which the corporation could impose upon the said property, if the same were leviable, and it shall also have the right to collect from the said person water-rates to which like immoveable property in the city is liable.

Immoveable held under emphyteutic lease.

**270.** In the case of an immoveable held by a lessee under emphyteutic lease, the city assessors may enter, in the assessment and taxation books, the name of such holder and that of the direct proprietor of the property of which such immoveable forms part, and both shall, in each case, be jointly and severally liable for the payment of the assessments and taxes imposed on such immoveable.

Prescription.

**271.** The action of the corporation for the recovery of any assessment, tax, rate or other municipal due whatsoever shall be prescribed by the lapse of five years to be computed from the day on which such assessment, tax, rate or municipal due shall have become due and exigible.

Provisions applicable.

**272.** All the provisions of the present charter shall apply in like manner to the recovery of all special assess-

ments or rates imposed by the council of the city, or by the treasurer of the city, and to the rate or tax for water furnished by the waterworks of the city.

**273.** Interest at the rate of six per cent shall be payable on all sums exigible by the corporation and not paid before the first day of November of each and every year, which interest shall be computed from the said first day of November until payment is fully made. Interest charged on sums due.

**274.** Whosoever, not being a debtor, pays to the city any municipal or school, immoveable or personal, general or special tax or water-rate due by a third party, is subrogated in the rights and privileges of the city, and may recover the amount of the taxes so paid by him from the real debtor. Person subrogated de jure in rights, etc. of city.

Such subrogation has no effect against the third party unless the receipt given by the city treasurer states that the payment was made with subrogation. Effect.

#### SECTION XXVII

##### *Properties exempt from taxation*

**275.** The properties of incorporated institutions of education or charity employed or used for educational or charitable purposes shall be free from taxation. Properties free from taxation.

**276.** All property belonging to or used specially for exhibition purposes by agricultural and horticultural societies shall be exempt from municipal and school taxes, subject nevertheless to *les travaux mitoyens*. Idem.

**277.** The assessors shall not have the power to assess or tax churches, bishop's palaces, parsonages, chapels and other edifices used for the purposes of religious worship, and cemeteries. Properties not assessable.

**278.** All premises occupied for purposes of education by lay institutions, recognized by the Superintendent of Education, shall be exempt from the business tax. Premises exempt from business tax.

**279.** All the provisions, terms and conditions respecting the exemptions or commutation of taxes hitherto granted by the city of Quebec shall continue to have the same effect as if the present charter were not adopted. Provisions continued.

**280.** Nothing in this charter shall affect the terms Terms and

conditions of certain contract not affected. and conditions of the contract entered into on the 17th of April, 1897, before notary Joseph Allaire, between the city of Quebec and *l'Institut Canadien*, which was passed under the authority of section 6 of the act 60 Victoria, chapter 59.

Commutation to the Morton Engineering & Dry Dock Co. Ltd. **281.** The city may, by resolution of its council, grant a commutation of taxes to The Morton Engineering & Dry Dock Company, Limited, by fixing the valuation of the immoveable property of the said company at the sum of sixty-seven thousand dollars, upon which valuation all the taxes on the said company shall be based, whether municipal or school taxes, for a period of ten years to be computed from the 1st of May, 1928.

Commutation to Compagnie F. X. Drolet. **282.** The city may, by resolution of its council, grant a commutation of taxes to the *Compagnie F. X. Drolet*, by fixing the valuation of the immoveable property of the said company at the sum of seventy-five thousand dollars, upon which valuation all the taxes on the said company shall be based, whether municipal or school taxes, for a period of ten years to be computed from the 1st of May, 1929.

#### SECTION XXVIII

##### *Finances of the city*

Fiscal year. **283.** The fiscal year shall commence on the first day of May and shall end on the thirtieth day of April in each calendar year, both days inclusive, and the assessments, rates, taxes and duties imposed and levied each year shall be held and considered as being for that period.

Date to report to committee. **284.** On or before the first day of April, in each year, the heads of the various departments shall make reports to the administrative committee stating the various requirements of the civic service for the following year and the sums required to meet the same.

Preparation of estimates, and report. **285.** After having examined these various reports and suggestions of the said departments as well as the resources of the corporation, the administrative committee shall prepare the estimates for the ensuing fiscal year and shall report thereon to the council, suggesting the ways and means of defraying such expenses.

Making of appropriation. **286.** It shall be the duty of the council of the city to make every year, on or before the first day of May,

an appropriation of the amounts necessary to meet the expenses of the year then next by providing:—

- a. For the payment of the interest, and sums required for the sinking-fund on all the debt due by the city;
- b. For the general and ordinary expenses of the city;
- c. For the sums required for contemplated improvements for which no special tax or assessment is required;
- d. For a reserve of not less than one per cent to meet unforeseen expenditure.

**287.** The council, before the first of May of each year, must impose, over and above the other revenues of the city, a tax sufficient to meet the expenses provided for by the budget for the following fiscal year, by adding one per cent to cover losses in collection.

The council or a committee may not in any case authorize expenditure or the payment of a debt for an amount greater than that provided in the budget, and it is forbidden, under the penalties enacted by this charter, for the treasurer, the auditor, the mayor or any member of the council to authorize, to permit or to make such payment.

In a case where, during the fiscal year, an appropriation is exceeded or an unforeseen debt must be paid, such payment cannot be effected unless it is authorized by a by-law of the council, which at the same time levies a special tax to meet it. Such tax must be added separately to the nearest assessment roll, and collected at the same time.

If, at the end of a fiscal year, there be a deficit in the year's operations, a special tax to pay such deficit shall be imposed, by by-law, before the 1st of July next following, to be collected at the same time as the assessment for the new year.

Any member of the council who knowingly infringes the present provision, besides the other penalties provided by the charter, shall lose the right to his seat, which may be declared vacant by any competent tribunal, on proceedings by *Quo Warranto*.

Every year, during the month of June, the city treasurer must transmit to the Minister of Municipal Affairs of the Province a sworn statement of receipts and expenses of the city for the preceding fiscal year, duly certified by the city auditor.

During the fiscal year the city is authorized to make temporary loans to meet current expenses, provided the total amount does not exceed the amount appropriated or authorized.

Voting of certain sums.

**288.** If the sums which should be voted in conformity with article 286 could not be voted on or before the first of May, they may be voted after that date, and the by-law necessary for that purpose may also be passed after that day.

Amount of tax.

**289.** The total amount of the taxes on immoveable property for any civic or fiscal year shall not exceed three per cent of the assessed value of the property.

Sanctioning excess to be offence.

**290.** The mayor and members of council who shall have sanctioned the expending of any sum of money beyond the amounts appropriated and the amount at their disposal in conformity with the foregoing articles of this section, and the officer who shall pay the same, shall be guilty of the offence provided for in the Cities and Towns' Act in like case.

Penalty for voting appropriation.

**291.** Every member of the council who shall vote an appropriation otherwise than as above set forth shall be liable to a penalty of five hundred dollars, recoverable before the Recorder's Court in the name of any elector of the city, and the amount thereof shall belong to the corporation, without prejudice to the personal responsibility hereinafter mentioned.

Certificate of auditor to authorize treasurer to pay.

**292.** The city treasurer shall not pay any sum of money to any one whomsoever without having a certificate from the city auditor to the effect that there is an appropriation covering the amount so payable or that such sum is exigible directly under the law or under a judgment of a court of justice.

Corporation not liable for certain debts.

**293.** No debt contracted by the council or by its officers and not covered by a duly voted appropriation shall be recoverable from the corporation.

Recovery.

It can be recovered only from the officer or members of the council who incurred it or authorized its being contracted.

Treasurer personally liable.

If the treasurer pays such debts out of the funds of the corporation he shall be personally liable for such amount towards the corporation.

Suit against treasurer.

**294.** Every municipal elector of the city may institute a suit against the city treasurer, before any court of justice having jurisdiction for the amount claimed, for the recovery of any sum of money illegally paid by the treasurer as aforesaid.

If the court condemns the treasurer, the latter shall pay the amount or capital thereof to the corporation and the costs of suit to the person prosecuting. If condemned.

**295.** The accounts of the corporation and of the water-works shall be strictly under the control of the treasurer. Accounts under the control of treasurer.

**296.** The city treasurer may receive debentures of which the payment is due, or coupons for interest due on the debentures, in payment of amounts due to the city for any reason whatever, and the holder of these debentures, in making such payment, shall inscribe his name upon the said debentures, and indicate the day, month and year in which such payment took place, and credit shall be given to the said treasurer, in his account with the corporation, for the interest so paid by him upon the said debentures, up to the day so indicated. Treasurer may receive debentures, etc. in payment.

**297.** The select committees of the corporation shall not hereafter order or cause work to be done, nor expend money, nor take any initiative involving the expenditure of money. Restriction upon select committees.

**298.** The duties of the select committees shall simply consist in ascertaining and making known to the council the requirements of the civic service. Duties thereof.

**299.** The administrative committee shall have the management of the finances and the accounts, and no sums of money, except in cases with respect to which other provision is made by law, shall be paid without the signatures of the mayor, and two members of the committee chosen by the council. Duties of administrative committee.

**300.** No warrant, bond, certificate of registered stock or cheque shall be payable or valid until it has received the signature of the mayor and the treasurer. Signatures of mayor and treasurer.

**301.** The treasurer shall deposit the money of the corporation in one or more of the chartered banks having a branch or branches in the said city. Deposit in banks.

**302.** It shall be the duty of the mayor to sue in the name of the corporation, for the recovery of all sums of money belonging to the corporation unlawfully expended by any officer or employee thereof, and which the corporation shall have been obliged to pay by reason of any contract, promise or engagement, or written or verbal order, Recovery of sums paid unlawfully.

and the recovery of any such sum of money shall be sued for against the officer or employee who shall have so unlawfully expended it or caused to be expended.

Certain expenditure authorized.

**303.** On the occasion of public rejoicings, of demonstrations of a public and popular character, of receptions of foreign public bodies and of distinguished personages, for grants to playgrounds or for the purpose of providing for public concerts in the public squares of the city or granting relief in cases of fire or other great calamity, it is lawful for the said council, on a recommendation to that effect from the administrative committee, to vote or authorize the expenditure of an amount not exceeding twenty thousand dollars in any one year, such sum to be taken from the fund reserved for unforeseen expenses.

Agricultural and industrial exhibitions.

The city is also authorized to vote a sum not exceeding ten thousand dollars on such conditions as it thinks proper, for the holding of an agricultural or industrial exhibition within or near the city limits.

Establishment of a court for young offenders.

**304.** The city is authorized to contribute to the establishment and maintenance of a court for young offenders as well as of a house of detention and house of industry for young offenders, and also to the payment of the staff required for such purpose.

City not bound to contribute for outside offenders.

**305.** The city shall not, however, bind itself in any manner to contribute to the confinement and maintenance of young offenders coming from any other municipality than that of the city of Quebec.

Subsidy to *La Ligue Antituberculeuse de Québec.*

**306.** The city is authorized to expend four thousand five hundred dollars a year, two thousand dollars whereof to pay the rent of the dispensaries of *La Ligue Antituberculeuse de Québec*, and the balance as a grant to aid the said league.

Subsidy to St. Vincent de Paul Society.

**307.** The city is authorized to pay an annual subsidy, not exceeding twelve hundred dollars, to the *bureau d'hospitalization*, family secretariate division, of the St. Vincent de Paul Society.

Subsidy to *Hôpital St. Frs. d'Assise.*

**308.** The city is authorized to pay, upon a resolution of the council, a sum not exceeding five hundred dollars per annum to the *Hôpital Saint-François-d'Assise, Domaine Lairet.*

Subsidy to Pure Milk Supply.

**309.** The council is authorized to pay annually a sum of not more than six thousand dollars in aid of the work of the Pure Milk Supply (*Goutte de Lait*).

**310.** The city may, on resolution of the council, guarantee the debentures issued by the school corporations situated within its limits, and accept as a guarantee of the responsibility thus contracted a transfer of the taxes to be levied by the said corporations to the amount required in principal and interest. Guarantee of school debentures.

**311.** The school taxes collected by the city shall be deposited in a chartered bank, as they are collected, in a special account opened for the purpose, and shall be withdrawn only to be handed over to the school commission entitled thereto. School taxes to be deposited, etc.

**312.** The city is authorized to grant a subsidy to the St. Jean Baptiste Colonization Orphanage School, of not more than one thousand dollars per annum. Subsidy to orphanage, authorized.

**313.** The city is authorized to pay, by resolution of the council, an annual subsidy, not exceeding two thousand dollars, for the maintenance and the requirements of a school of household science in the city. Subsidy to school of household science.

**314.** Notwithstanding the provisions of paragraph *b* of section 1 of the act 17 George V, chapter 77, the city is authorized to increase to twenty thousand dollars the grant to the St. Sacrement Hospital for the year 1929, and to borrow the necessary amount therefor. Grant to St. Sacrement Hospital.

**315.** The city is authorized to pay an annual sum, not exceeding five hundred dollars, to the Dom Bosco Refuge. Grant to Dom Bosco Refuge.

**316.** The city is authorized by resolution of the council to pay an annual sum of fifteen hundred dollars to *L'Oeuvre de Notre-Dame du Bon-Conseil pour la Protection de la Jeune Fille*. Grant to Protection de la Jeune Fille.

#### SECTION XXIX

##### *Loans*

**317.** The council may adopt such measures as it may deem expedient for the purpose of calling in the current bonds of the city, either by redeeming them for cash, or by exchanging them for new bonds. Power given to call in and redeem bonds.

**318.** The council is authorized to obtain, by means of a loan, a sum not exceeding the amount required for redeeming the whole of the present or future debt of the city. Council may borrow money to redeem city

debt and  
issue new  
bonds, etc.

city, and, for that purpose, to issue a sufficient amount of new bonds bearing an annual interest not exceeding five per cent, and to dispose of the same, on conditions as it may deem most favorable.

Denomina-  
tion, etc. of  
bonds.

It may determine the denomination of such bonds, the currency (pounds sterling, dollars or francs) in which they shall be made payable, and the period and method of their redemption.

Term of  
such bonds.

**319.** It may also enact that such bonds shall be issued for a period not exceeding forty years, at the periods fixed by the council; or that they shall be payable by a certain number of yearly payments not exceeding forty, or of half-yearly payments, not exceeding eighty.

Payment.

Sinking-  
fund.

**320.** Such new bonds shall have a sinking-fund.

Application  
of proceeds.

**321.** The said bonds or the proceeds thereof shall be exclusively devoted to the redemption or conversion of bonds then due by the city, as well as to the necessary expenses incurred in effecting such conversion.

Signature  
and seal to  
bonds.

**322.** Every bond, issued under this act, shall bear the seal of the city, and be signed by the mayor and countersigned by the clerk and the treasurer of the city.

Registration  
of bonds.

They shall be registered in a book kept for the purpose by the accountant of the city, who shall initial each of them, to establish the registration.

Coupons.

To each of such bonds, interest coupons shall be attached, with the city treasurer's signature thereon, which coupons shall be payable when the instalments of interest represented by them become due.

Payment of  
coupons.

No payment of any such coupons can be required of the corporation, unless the same be delivered to it; and the possession of such coupons by it shall be *primâ facie* evidence that it has paid the same.

Consoli-  
dated regis-  
tered stock.

**323.** Instead of bonds, the council may, in its discretion, issue consolidated registered stock, and may adopt measures for issuing the same and provide for the payment and maintenance thereof for a term not exceeding thirty years; and the powers conferred upon the said council by articles 317 and following of this charter, to negotiate bonds of the city, shall apply equally to the said consolidated registered stock.

Signature of  
treasurer on  
coupons.

**324.** When, in future, the city shall issue bonds, to which interest coupons shall be attached, the signature of

the city treasurer on such coupons may be written by himself, or be stamped, lithographed or printed thereon.

This provision shall also apply to the bonds, the issue whereof may have been previously authorized. Application.

**325.** When the city issues bonds or certificates of registered stock for the purpose of withdrawing its bonds from circulation, either by redeeming them in cash or by exchanging them for new bonds, or for the redemption of its present or future debt or any portion thereof, it may decide that the bonds so issued shall bear interest at a rate not exceeding five per cent. Certain bonds, etc., may bear interest at 5 per cent.

**326.** The city may also borrow any other amount which it deems expedient, and, for such purpose, issue bonds, debentures or inscribed stock, but only by virtue of and under a by-law which must be approved by the affirmative vote of at least the absolute majority of all the members of the council. Additional borrowing power exercised by by-law.

Such by-law must indicate under pain of nullity: Contents of by-law.

1. All the purposes set forth in detail for which the loan is to be effected;
2. The term of the loan;
3. The rate of interest;
4. The creation of the sinking-fund;
5. The place or places of issue, of registration, of transfer, of payment of interest, and of repayment of capital at maturity;
6. The nature of the title to be issued, whether in the form of bonds, debentures or inscribed stock; also whether interest and capital are payable in sterling, currency or otherwise;
7. All other particulars relating to such loan.

Under such by-law a special tax on the taxable immovables situated within the city shall be levied sufficient to meet the interest of the loan and to create a sinking-fund sufficient to repay such loan at maturity. This tax, whereof the rate shall be fixed every year by resolution of the council, shall be annually apportioned, according to the value of the taxable immovables as appears in the valuation roll, during the period of the loan, and shall be entered in the annual real estate assessment roll. Special tax. Rate and apportionment.

No by-law of this nature shall be effective unless approved by the Lieutenant-Governor in Council, on the recommendation of the Minister of Municipal Affairs, after it has been submitted to the approval of the proprietors of taxable immovables situated within the limits of the city, whose names are entered on the real estate assessment Approval of by-law.

- roll then in force, and has been approved by the majority in number and in value of those who have voted.
- One loan by each by-law.** One and the same by-law shall apply only to one loan for only one object, unless the loan is for several objects of the same nature, but the voting on several by-laws of this nature may take place in the same polls and at the same hours, if the date for voting fixed by several by-laws is the same.
- Voting.**
- Idem.** If several loan by-laws are thus submitted at the same time to the electors who are real estate proprietors, the votes on each by-law shall be entered in separate poll-books.
- Certificate on bond.** Every bond, issued under a by-law adopted under the provisions of this act, shall, before delivery, bear a certificate of the Minister of Municipal Affairs, or of the person specially authorized by the latter, attesting that the by-law authorizing its issue has been approved by the Lieutenant-Governor in Council, and that such bond is issued in accordance with such by-law.
- Validity.** Every bond so issued under a by-law approved by the Lieutenant-Governor in Council, and bearing such certificate, shall be valid, and its validity cannot be contested for any reason whatsoever.
- Procedure for voting on by-laws.** **327.** Whenever a loan by-law is submitted to the approval of the electors who are proprietors of taxable real estate, in virtue of the provisions of this act, the procedure to be followed in connection with the voting thereon shall be as follows:
- a. The council shall fix, in the by-law, the date on which the vote of the electors who are proprietors of real estate and whose names are entered on the real estate assessment rolls in force shall be taken, and there shall be an interval of not less than fifteen days between such date and that on which the by-law has been adopted;
  - b. The poll shall be established at the city hall;
  - c. The voting shall not last less than eight days, from 9 o'clock of the forenoon to 5 o'clock of the afternoon. The council may, however, if it deems it advisable, extend the hours for voting, provided that the polling come to an end not later than 11 o'clock in the evening;
  - d. The city clerk shall cause to be prepared, by the city assessors, a copy of the real estate assessment rolls in force, and shall certify the accuracy thereof by his signature and the official seal of the city.
- The said copy of the real estate assessment rolls must contain, in alphabetical order, for each ward of the city, the list of the names of the electors who are duly qualified proprietors of real estate, the address of their residence and

the total valuation of all immoveable property possessed by each of them in the different wards of the city.

The names of the said proprietors shall appear only once in the said lists, in the ward in which they reside, or, if they reside outside of the city, at the place determined by the assessors.

The city clerk is, however, authorized to use for the purpose of the voting the original of the real estate assessment rolls;

*e.* Each elector who is a proprietor of real estate may vote but once, and no person whose name is not entered on the real estate assessment rolls in force, or who has not the qualifications required by law, shall be entitled to vote;

*f.* Joint-stock companies or corporations may vote only through a representative of the company or corporation duly authorized to that effect by a resolution of the board of directors, a copy of which, certified by the secretary, shall be deposited with the city clerk at the time of the voting or in the eight days preceding the said voting;

*g.* Joint-owners or usufructuaries of any immoveables whatsoever, in the city, may vote only through a representative appointed by the majority of said joint-owners or usufructuaries. A power of attorney to that effect must be given by them to the person authorized to vote in their name, and such power of attorney must be deposited with the city clerk at the time of the voting or in the eight days preceding the said voting. The person so authorized to vote in the name of the joint-owners or usufructuaries must moreover deposit, with the city clerk, a declaration sworn before a justice of the peace or a commissioner of the Superior Court, attesting the authenticity of the signatures affixed to said power of attorney;

*h.* Every vote, which shall have been given contrary to the provisions of this article shall be set aside when counting the votes;

*i.* Each elector shall present himself in turn and give his vote by "yea" or by "nay"; the word "yea" meaning that he approves of the by-law, and the word "nay", that he disapproves of the same;

*j.* The name of the elector, his total valuation, and the vote given by him shall be entered in a special book, called the poll-book, which the deputy returning-officer shall keep for such purpose;

*k.* The city clerk shall, at least one week before the day fixed for the polling, publish or cause to be published over his signature, in the official newspaper of the council, a notice indicating:

1. The nature of the by-law to be submitted to the electors being proprietors of real estate, according to a summary approved by the council;
2. The days and hours of polling as well as the polling place in the city hall;
  - l. The city clerk, or, in his absence, the assistant city clerk, shall preside at the poll in the city hall and receive the votes. He shall also appoint one or more election clerks;
    - m. In the absence or inability to act of the city clerk and of the assistant city clerk, through illness or other cause the mayor may appoint a special officer who shall preside at the poll during the whole term of their absence.
    - n. The city clerk may, by a commission signed by him, appoint such number of persons as he may deem advisable to represent, at the polling place, the citizens who are interested in promoting the passing of the by-law, and a like number of persons to represent the citizens who are interested in opposing the passing of the by-law. Such persons shall, before being so appointed, sign before the city clerk a declaration to the effect that they are interested in promoting or opposing, as the case may be, the passing of the by-law;
      - o. During the time appointed for polling, no person shall be permitted to remain in the poll, other than the officers and clerks, and the persons or electors, being proprietors of real estate, authorized as aforesaid to act as representatives;
      - p. The proceedings at the poll shall be, as far as possible, the same as at the municipal elections held under this charter, and all the provisions of the charter respecting elections insofar as the same are applicable, and except when inconsistent with the provisions of this article, shall apply, *mutatis mutandis*;
      - q. Any elector, being a proprietor of real estate, may be required by the city clerk or by any person authorized, under paragraph *n*, to act as representative, to take the following oath or affirmation before voting, and before being allowed to vote must answer, under oath or affirmation, in the affirmative, the questions numbered 1, 2 and 3, and, in the negative, the questions numbered 4 and 5:

“You swear or affirm (as the case may be):

        1. That you are of the full age of 21 years and a British subject;
        2. That you are, according to law, entitled to vote on the by-law, now being submitted for approval;
        3. That you are the person named or purporting to be named on the real estate assessment roll now shown to you;

4. That you have not received anything nor has anything been promised to you, directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, cab hire, or any other services connected therewith, and that you have not, directly or indirectly, promised anything to any person, either to induce him to vote or to abstain from voting on this by-law;
5. That you have not already voted on this by-law at this poll."

No inquiry shall be made of any voter except with respect to the facts specified in such oath or affirmation.

*r.* The city clerk shall, while the voting is being proceeded with, obtain from the electors, proprietors of real estate, who vote, all such information as may tend to establish the value of all the immoveables possessed by each of them in the different wards of the city;

*s.* At the closing of the voting, the city clerk, aided by the election clerk and any other person he may deem advisable to appoint for such purpose, shall proceed to count the "yeas" and "nays", and, within eight days thereafter, he shall submit to the council the result of the polling, with a statement showing the value of the taxable real estate of each of the voters, according to the real estate assessment rolls in force.

The city clerk shall also state in his report whether the majority in number and in value of the taxable real estate proprietors approve or disapprove of the by-law;

*t.* If the council desires to examine the poll-books and the valuation rolls, the same shall be produced at once;

*u.* In the event of the votes being equally divided, the city clerk shall give his casting-vote.

**328.** The city may, at any time and from time to time, make temporary loans, by means of treasury bills, of such sums as it may require in anticipation of the collection of all arrears of real estate taxes, dues or water-rates; provided such loans be taken up and acquitted out of such arrears of real estate taxes, dues or water-rates, when collected, and provided the amount of such temporary loans shall not exceed fifty per cent of such arrears. Temporary loans in anticipation of arrears of taxes, authorized.

**329.** The city is authorized to effect, from time to time, one or more special loans to constitute a working capital to provide for current expenses in anticipation of the ordinary revenue of the current fiscal year, and which shall be repaid out of the same. The total amount so Special loans authorized.

Limit. borrowed in any one year shall not exceed fifty per cent of the ordinary revenue of the previous year.

Additional special loans. The city is authorized to effect, from time to time, one or more special loans for sums not exceeding the amount of the bonds which the city is authorized to issue, either by the Legislature or by the loan by-laws approved by the Lieutenant-Governor in Council, in anticipation of the proceeds of the sale of such bonds. The amount or amounts so borrowed shall be used exclusively for the purposes for which the issue of such bonds was authorized, and they shall be repaid out of the proceeds thereof as soon as they are sold.

Manner of effecting loans. The loan or loans provided for by this article must be effected by means of treasury bills bearing a serial number, and signed by the mayor and the treasurer and bearing the certificate of the auditor.

Certificate of issue. When any such treasury bill is issued, a certificate of such issue shall be recorded in a special register, kept under the treasurer's supervision, signed by him and stating the serial number, date, terms and amount of such bill, as well as the fund out of which it is to be repaid.

Bond issue authorized. **330.** Unless otherwise provided by law, the city is authorized, for the purpose of effecting any loan under this charter, to issue bonds, or certificates of registered stock, as it may deem necessary, for the objects of such loan; such bonds or registered stock certificates shall be for such amount as the city may deem advisable, and shall be repayable within a period of not more than thirty years from their date, with interest at such rate as the council may fix, not including the cost of the loan and discount.

Manner of payment thereof. The city shall provide for the payment of such bonds or registered stock certificates, either by paying on the capital of the said bonds or registered stock certificates, half-yearly or every year, at its option, a sufficient amount so that the capital will be paid up at the maturity of each bond or certificate, or by establishing a sinking-fund in such manner as it may deem advisable; such sinking-fund shall not be used for any other purpose than the payment of such bonds or registered stock certificates.

Reimbursement of loan. **331.** Whenever the city is called upon to reimburse any loan either at long or short term, it may, by resolution of its council, declare that such loan shall be reimbursed (a) by a long term loan, through an issue of debentures, bonds or registered stock certificates, according as it deems necessary, which debentures, bonds or registered stock certificates may be for such sum as the city deems expedient,

and shall be payable within the space of not over thirty years, at such rate of interest as the council may fix, not including the costs and discount of the loan, or (b) by a short term loan with a sinking-fund of not less than two per cent per annum, provided that each issue, after the first, shall be only for the balance due on said loan.

**332.** The city is authorized to make arrangements in advance for the renewal of its loans or for making new loans for the purpose of redeeming loans about to mature, provided that such arrangements shall not be concluded more than six months before such maturity. Arrangements for renewal of loans, etc.

**333.** The city is authorized to expend a sum not exceeding one hundred thousand dollars for the establishment of public closets and to borrow by means of debentures, according to the provisions of its charter, the amount necessary for such purpose. Establishment of public closets authorized.

#### SECTION XXX

#### *City By-laws*

**334.** In all cases where the city council is authorized to do or to decide upon anything, it may do or decide upon the same by resolution, unless the law expressly requires the passing of a by-law in such case. Decision by resolution.

**335.** The council may, at any of its meetings at which the absolute majority of its members are present, pass by-laws for the following purposes: Power to pass by-laws.

For the good order, peace, security, comfort, improvement, cleanliness, internal economy and local government of the said city; for the prevention and suppression of all nuisances, and of all acts, matters and things in the said city, opposed, contrary or prejudicial to the order, peace, comfort, morals, health, improvement, cleanliness, internal economy or local government of the said city. For good order, etc.

And for the greater certainty, but not so as to restrict the scope of the foregoing provision or of any power otherwise conferred by this charter, it is hereby declared that the authority and jurisdiction of the city council extends and shall hereafter extend to all matters hereinafter mentioned, that is to say: Matters under jurisdiction of council.

1. The raising of money by taxation;
2. The borrowing of money on the city credit;

3. Streets, lanes, and highways, and the right of passage above, across, along, or beneath the same;
4. Sewers, drains and waterworks;
5. Parks, squares and ferries;
6. Licenses for trading and peddling;
7. The public peace and safety;
8. Health and sanitation;
9. Vaccination and inoculation;
10. Public works and improvements;
11. Explosive substances;
12. Nuisances;
13. Markets and abattoirs;
14. Decency and good morals;
15. Masters and servants;
16. Water, light, heat, electricity and railways;
17. The granting of franchises and privileges to persons or companies;
18. The inspection of food.

Authority of council to make by-laws respecting:

Streets, etc.

Lanes;

Rubbish, etc..

Sidewalks;

Openings, etc., in streets, etc.

**336.** The city council, for the purposes and objects included in article 335, but without limitation of its powers and authority thereunder, as well as for the purposes and objects detailed in the present article, shall have authority:

1. To regulate the use of and prevent and remove encroachments into, upon or over streets, alleys, avenues, public grounds and public places, municipal streams and waters, and to prevent injury thereto and prohibit the improper use thereof;

2. To regulate the lanes and to enact that so long as they remain private property they shall be made and maintained in common by the proprietors of the land bordering on such lanes.

3. To regulate and prevent the throwing or depositing of ashes, paper, refuse, offal, dirt, garbage or any offensive matter or obstruction in or upon any street, alley, yards, public grounds or places or municipal streams or waters;

4. To require the owner or occupant of any immovable property to keep the sidewalks along and in front of the same free from obstructions, to provide for the removal of the same at the expense of such owner or occupant, and to levy an assessment on such immovable property to cover the cost of keeping the said sidewalks in good order during the winter in all or in certain districts of the city;

5. To regulate the making and maintaining of openings and excavations in streets, alleys and public grounds and public places for the laying of gas and water mains and pipes, electric conductors, subways and conduits, and for

other purposes, and to regulate the building and maintaining of sewers, tunnels and drains, and the construction and use of all structures and conduits of every kind underneath the streets, alleys, sidewalks, public grounds and places of the city, and to regulate, and, if deemed necessary, to prohibit the construction and maintaining of coal-holes, man-holes, hatchways, and other openings in sidewalks, streets and alleys and to order coverings and guards therefor; to compel all persons or companies who have, or may hereafter have the right to make any excavations in the streets, to deposit in the hands of the city treasurer an amount sufficient to guarantee that such streets shall be put back to their former state, or to permit the city to make such repairs at the expense of such persons or companies, or to prevent such excavations and fill up the same whenever they are made contrary to the by-laws; to prevent any person or company from tearing up any pavements, sidewalks or crossings, drain or sewer, or from making any hole, ditch or drain in any street, pavement, or sidewalk, without previously sending a written notice to the office of the city engineer, with a plan showing the exact location and dimensions of the proposed opening, and obtaining the permission of the city engineer, if not previously authorized and, in no case, without obtaining his approval of the place where, and the manner in which the proposed opening is to be made; to prohibit the deposit, upon any permanently paved street, of any building materials, tar, lime, stone, brick or other articles whatever of a nature to deteriorate the paving, or to regulate the permission to be granted to make use of such streets for the aforesaid purposes, and to exact a sufficient deposit to replace the paving in good order;

6. To require throughout the city or in such district or districts as the city council may designate, the owner or occupant of any premises, or the person having deposited the same, to collect, remove and dispose of ashes, swill, offal, refuse, garbage, manure, dead animals, night-soil, and other vile, unhealthy or offensive matter; to regulate and provide for the collection, removal and disposal of the same throughout the city or in such districts as the city council may designate, and to authorize and direct such collection, removal and disposal, either at the expense of the city or of such owner or occupant, or the person having deposited the same; Removal of ashes, etc.;

7. To regulate the use of pavements, sidewalks, crossings, curb-stones and gutters, and to regulate, permit on payment of a license or forbid the placing on the streets, on or above sidewalks, alleys or public places, of awnings, Use of pavements, etc.

porticoes or canopies, and to have a sum of five dollars paid yearly as the price of such license, and, in addition, a sum of not more than fifty cents per square foot of the city's land covered by such awnings, porticoes or canopies; such sums to be paid when the license is issued;

Regulating,  
etc., use of  
streets, etc.

8. To regulate or prevent the use of streets, alleys, sidewalks, and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric poles, horse troughs, racks and other obstructions, and to regulate the posting and distributing of hand-bills and advertisements; to define what is to be meant by "illuminated and electric signs"; to prescribe of what metal such signs and the supports thereof shall be made, and how the same shall be attached to buildings and placed on the streets, alleys, sidewalks and public grounds, or to prohibit said signs wholly or in part; to define the duties and powers of the city inspector, as well as of any other officers with respect to such signs; to require that a sketch of said signs be submitted to the city inspector or any other officer, and that such sketch be deposited in the archives of the city inspector; to remove and abate any nuisance or obstruction upon the sidewalks, streets, alleys, and public grounds, and prevent the encumbering of the same with vehicles, boxes, lumber or any other things; to regulate the erection of hitching posts and rings for fastening horses, and to prohibit the same in any portion of the city; and the city council shall prohibit the piling of snow or other encumbrances upon any street or alley or public place by persons owning or operating any street railway along or across the same;

Poles, etc.,  
on streets.

9. To regulate or prohibit the placing of poles and the suspending of wires along or across all streets, alleys and public places, and to require any and all wires within prescribed limits, or throughout the city, to be placed as the council may designate, beneath the surface of the streets or elsewhere, and to 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 other constructions and conduits to be placed in a common area beneath the surface or elsewhere, upon such terms as the council may designate, and to regulate or prohibit the locating, constructing and maintaining of bridges and street railway tracks in, under, or over any street, alley or public place;

Exhibition  
of banners,  
etc.;

10. To regulate or prohibit the exhibition, or carrying, or distribution, or throwing of banners, placards, advertise-

ments and hand-bills or other articles in, near or upon streets, alleys, sidewalks and public places;

11. To regulate or prevent the flying of flags, banners and signs across the streets, alleys and public places, and to regulate, license or prohibit the construction and use of bill-boards and signs, adjacent to or near the streets, alleys and public places, or upon any vacant lot or other property; Flying of flags, etc.;

12. To license, regulate or prohibit the posting and sale of bills, placards and photographs; to prohibit the posting or exhibiting of obscene paintings, drawings, photographs, statues or inscriptions in any street or public place, or in any place visible from such street or public place; Posting of bills, etc.;

13. To regulate or prohibit traffic and sales upon the streets, sidewalks and public places; Street sales, etc.;

14. To regulate the speed of horses and other animals, bicycles, cars and locomotives and other vehicles within the limits of the city, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, alleys or public places. Speed, etc., of horses, etc.;

Notwithstanding the provisions contained in the first paragraph of the present paragraph 14, and the provisions of the by-laws passed in virtue of the provisions of the said paragraph 14, articles 41 and following of chapter 35 of the Revised Statutes, 1925, and their amendments, shall apply to the speed regulation of motor vehicles in the limits of the city; Provisions applicable to motor vehicles;

15. To regulate and prescribe the width of tires on the wheels of vehicles used in the city, and the maximum weight of a load to be drawn over any street in the city, and to direct upon what streets heavily loaded vehicles may be drawn, and from what streets, alleys and public places the same may be excluded, and to license vehicles of every description; Width of tires on vehicles, etc.;

16. To name and change the names of streets, alleys, and other public places; Names of streets, etc.;

17. To regulate or prohibit the use of all bridges, viaducts, tunnels, drains, sewers, privies and cess-pools within the city, and in such portions of the city as it may designate; to cause the removal of privies and cess-pools, and to compel sewer connections in such portions, and to make the same, and to assess the cost thereof on the property so connected; Use of bridges, etc.;

18. To regulate the numbering of houses, buildings and lots, and to compel the owners of houses and other build- Numbering of houses, etc.;

- ings to have the numbers of such houses and buildings shown conspicuously thereon or adjacent thereto;
- Pollution of waters; 19. To prevent the pollution of the waters of any municipal creek, river, pond, lake or water-course within or adjacent to the city; to prevent the dumping of refuse or other matter therein; to provide for the cleansing and purification of municipal waters and water-courses, and the drainage or filling of ponds or pools on private property whenever necessary for public health, and to compel the owner or occupant of any building or grounds to remove from the premises owned or occupied by him all such offensive substances as the city council or department of health may direct, and, upon his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant;
- Fencing and drainage of lots, etc.; 20. To provide that, in case the proprietor of such lot cannot be found and there is no one to represent the proprietor, or should such proprietor or occupant, or other person in charge thereof, refuse or neglect to fence in, drain, cleanse, fill up or level the same when so directed by the proper officer of the council, or be unable for want of means to fence in, cleanse, drain, fill up or level such lot, it shall be competent for the council to have the same done, and to provide that the amount expended thereon shall be a special charge upon such lot, and shall have the same privileges attached to it, and be dealt with and recoverable in the same manner as a special tax thereon;
- Issue of licenses, etc.; 21. To fix the amount, terms and manner of issuing licenses, not inconsistent with the law and subject to the provisions of this charter, provided that no license shall be issued for a longer time than one year;
- Billiards, etc.; 22. To license, regulate, or prohibit billiards, pool, pigeon-hole tables, ten-pin alleys, bowling alleys, and shooting galleries;
- Auction sales, etc.; 23. To license and regulate auction sales, itinerant merchants and transient vendors of merchandise, runners, agents and solicitors for stages, cars, vessels and houses of public entertainment;
- Peddlers; 24. To prevent peddlers or itinerant traders from plying their trade in the streets of the city;
- Exhibitions of showmen, etc.; 25. To license, regulate or prohibit the exhibitions of showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concert-halls, dance-halls, theatrical performances, skating-rinks and all places of amusement and museums;
- Routs, etc.; 26. To prohibit, prevent and suppress routs, affrays, disturbances, disorderly assemblies, and all brutal or depraving exhibitions or sports;

27. To license and regulate auctioneers, pawnbrokers, second-hand dealers and junk dealers, and to compel all such persons to keep records of their transactions and make reports thereof, and to give communication of such records to any constable desiring to examine the same, and to deliver daily, at the nearest police station, a legible and correct extract therefrom, showing the purchases, exchanges or sales effected by the said persons on the preceding day, and to compel such persons to keep in their possession, for at least fifteen days from the date of the purchase, the articles so purchased by them; <sup>Auctioneers, etc.;</sup> <sup>To keep things purchased at least 15 days.</sup>

28. To license and regulate hackmen, draymen, expressmen, porters, and all other persons or corporations, including street railway companies, engaged in carrying passengers, baggage or freight in the city, and to regulate their charges therefor, and to prescribe standing-places or stations within the streets or near railway stations, or wharves, where the same may remain while waiting for business, and to prohibit the same from standing or waiting at any other places than the places so prescribed; <sup>Hackmen, etc.;</sup>

29. To license and regulate all peddlers, book-agents, canvassers, street hawkers, chimney-sweeps, vendors and public criers doing business in the city; <sup>Peddlers, etc.;</sup>

30. To license and regulate butchers' stalls and stands for the sale of game, poultry, meat, fish, fruit, and perishable provisions, whether by wholesale or retail; <sup>Butchers' stalls;</sup>

31. To license and regulate the keeping of dogs; to prevent dogs from running at large, and to authorize the destruction in a summary manner, or the impounding and sale thereof for the benefit of the city or of any firm or person designated by the city; <sup>Dogs, etc.;</sup>

32. To regulate or prohibit the manufacture, storage, use and conveyance of gun-powder, dry pitch, resin, coal-oil, benzine, naphtha, gasoline, turpentine, gun-cotton, nitro-glycerine and any product thereof, and other combustible or explosive materials within the city; <sup>Manuf-  
ture, etc.; of  
gun-powder,  
etc.;</sup>

33. To regulate or prohibit the use of fire-crackers, torpedoes, roman candles, sky-rockets and other fireworks; <sup>Fire-crack-  
ers, etc.;</sup>

34. To regulate bathing and swimming in the waters comprised within the limits of the city; <sup>Swimming,  
etc.;</sup>

35. To suppress bawdy and disorderly houses and houses of ill-fame and assignation within the limits of the city; <sup>Bawdy  
houses, etc.</sup>

36. To establish pounds under supervision and control of the council, to restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and other animals, and to authorize the distraining and sale of the same, and to fix a tariff of fines for such impounding; <sup>Pounds,  
etc.;</sup>

Markets,  
etc.;

37. To establish, license or regulate markets and market-places; to change, enlarge or diminish the site of any market or market-place, or to establish any new market or market-place, or to abolish any market or market-place now in existence or hereafter to be in existence in the city, and appropriate the site thereof, or any part of such site, for any other purpose whatever, at the discretion of the council; and to fix the rates to be levied on persons selling in the said markets any provisions or commodities whatsoever, or on the said provisions or commodities, or on the vehicles containing the same;

Manufac-  
ture, etc., of  
bread;

38. To regulate the manufacture, sale and conveyance of bread; to provide for the inspection of bread and bakeries; to prescribe the weight and quality of the bread; to provide for the seizure and forfeiture of bread made, conveyed, sold or offered or exposed for sale contrary to the by-laws or which is not of the weight or quality required by the by-laws, and to prescribe the manner in which bread seized and confiscated shall be disposed of;

Inspection  
of meats,  
etc.;

39. To provide for the inspection of meats, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, milk, dairy products, fruit, and other food products; to provide for the seizure, confiscation and summary destruction of any such products as are unsound, spoiled or unwholesome; to prohibit the bringing into the city and the having or keeping such unsound, spoiled or unwholesome products, and to define the duties, powers and attributions of the inspectors appointed for that purpose, and to prevent any animal or meat, brought into the city, from being sold within its limits for consumption, before it has been inspected and stamped in the manner prescribed by the council, at the cost of the city;

Dairies,  
etc.;

40. To inspect milk and to prohibit the use, sale, and exposure for sale of milk which is unhealthy, infected with germs of disease or otherwise dangerous to health, and to authorize the seizure and confiscation thereof; to inspect and regulate dairies, stables and cow-sheds situate within the limits of the city, whence the milk sold in the city comes; to inspect and regulate the premises in which milk is sold; to compel milkmen selling milk in the city to employ the methods of transport and treatment of milk most suitable for protecting it against contamination and to ensure the purity thereof; to grant licenses to milkmen selling milk in the city; to permit officers of the board of health to make, even outside the limits of the city, inspection of milk intended to be sold in the city; to refuse such licenses to milkmen who do not comply with the law or the by-laws of the city respecting milk, as well as those

of the Provincial Bureau of Health, and to suspend or annul such licenses for infringements of the law and by-laws, in addition to any other penalty;

41. To provide for and regulate the place and manner of weighing and selling hay, straw, lime and rough building stone, the measuring and selling of fire-wood, coal and cut stone, and to provide that such various articles and merchandise shall be weighed on public scales controlled and approved by the city; provided that every by-law passed under this paragraph shall apply only to sales by retail; <sup>Hay, straw, etc.;</sup>

42. To regulate the height, construction and materials of all buildings, chimneys, stacks and other structures, and to prevent the construction or maintenance of buildings, walls, chimneys, stacks or other structures not of the required stability, and provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, and the thickness, materials and construction of party walls, partition and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus; to regulate the architecture, dimensions and symmetry of buildings in certain streets; to compel the proprietors to submit the plans thereof and to previously obtain a certificate, in writing, from the building inspector; to prohibit the construction of buildings and structures not conforming to such regulations, and to direct the suspension at any time of the erection of any such building as does not conform to such regulations, and to cause the demolition of any building not conforming to such regulations, if necessary; <sup>Chimneys, etc.;</sup>

43. To regulate the kind of buildings that may be erected on certain streets, parts or sections of streets, or on any land fronting on any public place or park; to determine at what distance from the line of the streets, public places or parks the houses shall be built, provided that such distance shall not be fixed at more than twenty-five feet from the said line, or to prohibit the construction, occupation and maintenance of factories, workshops, taverns, billiard-rooms, pigeon-hole rooms, livery-stables, butcher's stalls or other shops or similar places of business in the said streets, parts or sections of certain streets, or on any land fronting on any public place or park, saving the indemnity, if any, payable to the proprietors, tenants or occupants of the buildings now built or being built or who <sup>Buildings, etc.;</sup>

have building permits, which indemnity shall be determined by three arbitrators, one to be appointed by the city, one by the proprietor, tenant or occupant interested, and the third by the two former and, in default of agreement, by a judge of the Superior Court;

Wooden  
buildings,  
etc.;

44. To prescribe fire-limits within which wooden buildings or structures shall not be erected, placed or repaired, and to direct that any building within such fire-limits, when damaged by fire, decay or otherwise, to the extent of fifty per cent of its value, shall be torn down and removed, and to prescribe the manner of ascertaining such percentage; and to provide for requiring the owners of buildings or other structures, which have been destroyed or partially destroyed or have become dangerous by fire or otherwise, to take the same or any part thereof down, and, in case of refusal or neglect of said owner to so take the same down, when ordered by the council, then to cause the same to be done at the expense of the owner and to assess the cost thereof by privilege upon the land upon which such building or structure stands;

Fire-escapes  
etc.;

45. To require the owner, tenant, possessor or occupant, under any title, of a building of three stories or more, to provide such building with fire-extinguishers and fire-escapes, such as iron ladders, canvas or metal tubes, or other safety appliances in case of fire.

Dry sprink-  
lers;

In cases only where the city may deem the same advisable, to require every owner, tenant, possessor or occupant under any title of a building to install dry sprinklers in the cellar, entresol, basement, garret or attic of such building;

Dangerous  
chimneys,  
etc.;

46. To regulate and prevent the construction and to cause the removal of dangerous chimneys, fire-places, gas apparatus, hearths, stoves, stove-pipes, ovens, boilers and apparatus; to regulate the carrying on of manufactures liable to cause fires; to prevent the depositing of ashes or the accumulation of shavings, rubbish or other combustible material in unsafe places, and to make provisions to guard against fire;

Blasts, etc.;

47. To regulate the operation of blasts and blastings, and the construction, location and operation of derricks, windlasses, freight and passenger elevators and other structures, apparatus and operations hazardous to life and property;

Sparks, etc.,  
a nuisance,  
etc.;

48. To declare the emission of sparks, cinders, soot or smoke from chimneys, stacks and other sources within the limits of the city, a nuisance, and to prohibit such emission in any portion of the city; and also to define and re-

gulate the duties of stokers and other persons having the charge and care of boilers, furnaces and smoke-consuming apparatus;

49. To define what shall constitute a nuisance and to abate the same, and to impose fines upon persons who may create, continue or suffer nuisances to exist; Definition of a nuisance;

50. To regulate and prevent the burial of the dead in the city; to regulate and determine the manner in which bodies, which have been placed in a vault or tomb or other place for the purpose of burial, may be removed; to regulate and control the location of cemeteries and crematories, and to cause the removal of bodies interred contrary to law; Burial of dead within the city, etc.;

51. To regulate or to prohibit the location, construction and management of stock-yards, packing-houses, rendering establishments, tallow-chandleries, storing-places for hides, bone or glue-houses, gas-works, soap factories dye-houses, tanneries, sausage manufactories and other noxious establishments within the limits of the city; Location, etc., of stock-yards, etc.;

52. To regulate the location, construction and use of breweries, cow-stables, horse-stables, livery-stables, blacksmiths' shops and foundries within the limits of the city or prohibit the building of new ones; Location, etc., of breweries, etc.;

53. To prohibit offensive or unwholesome business or establishments within the city; to prohibit the erection or occupation of any offensive buildings in any place or site where they will damage the neighbouring property; and determine the localities where certain manufactories or occupations may be carried on; Offensive establishments, etc.;

54. To compel the owner of any soap and tallow chandlery, sausage manufactory, pig sty, privy or other unwholesome or noxious house or place, to cleanse, abate or remove the same; Soap works, etc.;

55. To regulate the location of lumber-yards and places for piling timber, fire-wood and other combustible material and the manner of piling the same; and to require any person maintaining any lumber, shingle or lath piles or mill-wood yards in the city to remove the same when they become dangerous to buildings, structures or other property; Lumber-yards, etc.;

56. To regulate or prevent the playing of games or any other amusements on the streets, alleys, sidewalks or public places, and to regulate the use of bicycles and other vehicles within the limits of the city; Games, etc.;

57. To regulate or prevent the ringing of bells and chimes, the blowing of whistles and the making of other noises; to regulate or prohibit the use of noisy carts or vehicles in the city streets and highways; Ringing of bells, etc.;

- Hospitals,  
etc.;
58. To establish and regulate hospitals, and rest-houses for contagious disease, and to make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to prevent the introduction or spread of contagious, infectious and other diseases into the city, and to make quarantine laws, and to enforce the same within the city; to regulate, control or prevent the landing of persons, baggage, merchandise or other property from boats, vessels, cars or other conveyances infected with the germs of contagious diseases, and to make such disposal of such persons or property as to protect the health of the citizens; and to prevent infected boats, vessels, cars or other conveyances from coming within or near the limits of the city, and to order at the discretion of the medical health officer, when effective isolation is impossible in the person's residence, the compulsory removal to the civic hospital of any person affected with small-pox, or any other contagious or infectious disease, with the consent of the physician attending such person;
- Public cisterns, etc.;
59. To establish and regulate public cisterns, hydrants, reservoirs, fountains and watering troughs;
- Use of gas, etc.;
60. To regulate the use of gas, electricity and electrical apparatus and other means and agents for furnishing light, heat and power in the city, and to provide for the inspection of the same;
- Lodging houses, etc.;
61. To regulate lodging, tenement and apartment houses; to prevent the overcrowding of the same, and to require the same to be put and kept in proper sanitary condition;
- Stables, etc.;
62. To require the places where animals are kept to be maintained in healthful condition;
- Occupation of minors in streets, etc.;
63. To license, regulate, or prevent the employment and occupation of minors in the streets and public places; and to grant licenses and make regulations for newspaper carriers;
- Clearing of brush from lots, etc.;
64. To compel the owners of vacant property within the city limits to keep the same clear of any brush or other material or substance liable to communicate fire to adjoining property;
- Planting, etc., of trees, etc.;
65. To regulate the planting, rearing and preserving of ornamental trees in the streets, squares and parks of the city; to forbid all persons, companies or corporations to cut or trim trees or shrubs in the streets, boulevards, parks, squares or public places in the city, without making previously a written application to the city; to permit the city to grant or refuse such application and, in the event of its

being granted, to stipulate that the work shall be done at the cost of the applicant, under the supervision and to the satisfaction of the officers to be designated by the city; to compel any proprietor to plant trees in front of his property, under the direction of the city inspector whenever the majority of the property-owners on the street apply therefor; to authorize the city inspector to cause such planting to be done, and to exact the cost thereof from such proprietor, in case the latter shall refuse or neglect to comply with the city inspector's order; to punish those who damage the ornamental trees or shrubbery in the streets, parks and public places of the city;

66. To provide for the revocation of permits or licenses; Revocation of licenses;

67. To require the payment of a license for the pursuit of all kinds of trades, industries, occupations and of all kinds of business, the payment whereof cannot be exacted under any other provision of this act, and to divide, in certain cases, such trades, industries, occupations and business into different classes for the purpose of determining the price of the license according to the rental of the premises in which such trades, industries, occupations and business are carried on; Business licenses, etc.;

68. To provide for the lighting of the city; Lighting;

69. To provide for and regulate the construction and use of bicycle paths upon any street, alley or public place; Bicycle paths, etc.;

70. To regulate and control, in a manner not contrary to any specific provisions on the subject contained in this charter, the exercise, by any person or corporation, of any public franchise or privilege granted by the city in any of the streets or public places in the city; Public franchise and exercise thereof in streets;

71. To make rules for the proper observance of Sunday; Sunday observance;

72. To prohibit the selling on Sunday by shopkeepers, peddlers, hotel-keepers, tavern-keepers or other persons, of goods, wares, merchandise or intoxicating liquors, in any hotel, except at meal hours, tavern or place of public entertainment, or the purchasing or drinking of intoxicating liquors therein; to enforce the closing of saloons and taverns, from midnight on Saturday, until Monday morning; to permit and regulate the sale on Sunday of fruit, confectionery, temperance drinks and other dainties, as well as the sale of flowers, cigars, pipes, tobacco, toys and other small articles or knicknacks as well as oysters and newspapers, in the city and on the Exhibition Grounds, as well as certain games, amusements, concerts, museums, sports and recreations, with the exception of theatrical performances; Selling goods or liquor on Sunday, etc.;

- Disturbance of religious worship, etc.; 73. To prevent the disturbance of any congregation assembled for religious worship, and to prohibit the distribution of printed hand-bills or circulars at church doors on Sundays;
- Posting of bills, etc.; 74. To license and regulate the posting of bills and placards; to prohibit the posting or exhibiting of obscene or offensive placards, paintings, drawings, statues or inscriptions, in any street or public place, or in any shop or other place visible from such street or public place;
- Cafés chantants*, etc.; 75. To license, regulate or prohibit *cafés chantants* or establishments where intoxicating liquors are sold and wherein instrumental and vocal music are used as a means of attracting customers; to license or prohibit the use, by itinerant players, of hand-organs or other musical instrument, for pay or in expectation of pay, in any or all of the streets or public places;
- Vaccination, etc.; 76. To enforce a complete and efficient system of vaccination; to establish offices for that purpose; to appoint officers and authorize them to make domiciliary visits, to destroy linen, clothing and any other articles infected with small-pox or any other contagious disease; to isolate patients suffering from any such disease, whensoever the said officers shall deem it necessary for the welfare of such patients, or of the public at large; to cause any person who shall have died of any such disease, to be buried within a short delay; and generally to take such measures as the council may deem necessary, to regulate, control, prevent or arrest the progress of small-pox or other contagious, endemic or infectious disease, any law in force to the contrary notwithstanding;
- Smoke-consuming apparatus. 77. To compel persons owning or using steam-engines, steam-boilers, factories, works, or other workshops or establishments, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishments; and to impose a fine, not exceeding one hundred dollars, for the violation of any by-law made under the provisions of this paragraph; and to enact that, in default of immediate payment of the said fine and costs by the offender, he shall be condemned to an imprisonment not exceeding two months, unless the fine and costs shall have been paid before the expiration of such period, and a further fine not exceeding fifty dollars per day, for each and every day the offender shall continue in the violation of such by-law;
- Penalty. 78. To compel the proprietor of any vacant lot of land in the city to fence in or enclose the same, and to regulate
- Fencing vacant lots

the height of every such fence or enclosure and the materials and construction thereof; of land, etc.;

79. To regulate the subdivision into streets of any land situated within the limits of the city, and to prohibit any such subdivision whenever the same does not coincide with the general plan of the city, and to compel the owners of private streets and lanes to indicate that the same do not belong to the city; Subdivision into streets of lots in city, etc.;

80. To regulate, license or prohibit the teasing of wool, hair, and other like articles, and the collection of rags; Teasing of wool, etc.;

81. To levy an annual tax or license, not exceeding fifty dollars, on horse-dealers, and to authorize the collection of the same, and to establish a horse mart, and to levy taxes or duties on persons selling or offering horses for sale therein; Sale of horses, etc.;

82. To regulate the kind of vehicles in which articles may be exposed for sale in or about the markets, and the manner in which they shall be there located; to impose a duty on such vehicles, and to establish the mode in which such duty shall be collected; Vehicles on markets, etc.;

83. To provide that provisions or provender usually bought and sold in the public markets, and that may be brought to the city for sale, be taken to the public markets to be offered for sale there, and that no such provisions or provender shall be offered or exposed for sale, or be sold or purchased elsewhere in the city than on the public markets; but the council may empower any person to sell, offer or expose for sale, beyond the limits of the said markets, meat, vegetables and provisions usually brought to and sold on the public markets, by granting him a license for that purpose upon the payment of a maximum sum of one hundred dollars. Nevertheless, the city shall grant yearly licenses, the price whereof shall not exceed twenty-five dollars, to farmers, gardeners, and market gardeners, allowing them to sell their produce to grocers, butchers, fruit or vegetable dealers and provision merchants at the respective stores or warehouses of the latter. The provisions of the city charter and by-laws respecting the manner of issuing permits and licenses shall apply to such cases; Sale of provisions on markets, etc.;

84. To regulate the manner and route in and by which horned cattle and other animals shall be driven in the city, and the destination of cattle intended for slaughter; Horned cattle, etc.;

85. To establish, regulate and manage public abattoirs, either within or without the city limits, that is to say: at a distance of three miles from such limits; provided, in the latter case, that the city has already obtained or obtains, previously, the consent of the council of the municipality in which it wishes to establish such abattoirs; and Public abattoirs;

to prohibit the establishment of private abattoirs in the city;

Width of streets, etc.; 86. To regulate the width of streets, and to establish or alter the level of any roadway or sidewalk in any street; to aid in the extension of streets or public roads into adjoining municipalities; to regulate all things concerning the streets, parks, squares, bridges or drains, in the city; to protect the same from any encroachment or injury; and to close and forbid the use of any street, without prejudice to acquired rights;

Alignment, etc., of streets, etc.; 87. To cause the alignment and level of any street, lane or public square to be established and fixed by its officers; and to compel every person erecting a building on any street, lane or public place, to obtain from the city the alignment and level of such street, lane or public place and to sign a minute to that effect, a copy whereof shall be delivered to him at his request on payment of an amount not exceeding one dollar, without prejudice to acquired rights;

Prevention of accidents in winter; 88. To prevent accidents in winter caused by the accumulation of snow or ice on the sidewalks and roofs of dwellings or other buildings; and for such purpose to determine in what manner the said sidewalks and roofs shall be maintained.

Responsibility of certain persons, etc.; Every person bound by the law or the by-laws of the council to keep the sidewalks or roofs in good order shall be responsible to the city for all damages resulting from the bad condition of such sidewalks or roofs as well as for every infraction in this connection, and may be called in warranty by the city in any suit instituted against the latter for the recovery of such damages, and shall be held to indemnify it for any condemnation on such suit.

Actions in warranty; Actions in warranty taken under this paragraph shall be governed by the rules of procedure governing simple warranty;

Natural water-courses, etc.; 89. To determine the direction of natural water-courses passing through private property, and to regulate all matters concerning the same, whether the said water-courses be covered or not;

Sewerage, etc.; 90. To regulate the sewerage of the city, with the right to use any natural or verbalized water-course to empty the filtered water from its sewage farms, saving recourse for damage or indemnity if any there be; to assess proprietors of immoveable property for the purpose of defraying the cost of making any common sewer in any street, in which such proprietors own property, including connection between such common sewer and the private

drains of such proprietors, and the cost of such repairs as are rendered necessary in the permanent paving on account of the construction of private drains; and to prescribe the mode in which such assessment shall be made, either according to the frontage of said property or otherwise, and the manner of levying such assessment;

91. To permit the city to provide, when it is necessary, suitable automatic safety-valves at connections in the sewerage for the draining of any lots whether built upon or not, the cost thereof to be borne by the owner of the property; and such costs shall be recoverable as per statement prepared by the city; and to provide for the inspection of such safety-valves by the city. Safety-valves for sewers, etc.

Any action for the recovery of the said costs may be brought by the city, whatever may be the amount, before the Recorder's Court of the city of Quebec, which shall have jurisdiction to hear and decide such cases; Action to recover;

92. To regulate the time when private drains shall be made, as also the manner and materials with which the same may be constructed, the city making the same from the line of the street to the common sewer; and to assess the cost of the same on the proprietors; Private drains;

93. To require the owner of any building to be erected in future to install on his private drain, at the place indicated by the city, an automatic valve approved by the said city; and also to require the said owner to connect the spouts from the roof of such building with the private drain, and to make such connection between the valve and the street sewer; Valves on private drains, etc.;

94. To extend its main sewers or tunnels in any adjoining municipality, and, with the consent of the latter, to recover from such municipality its share of contribution towards the cost of construction and maintenance of such main sewers or tunnels, according to the area to be drained and in proportion to the benefit to be derived by such municipality, the amount of such contribution to be determined by appraisers to be appointed as follows: one by the council, one by such municipality, and the third by a judge of the Superior Court; to compel such municipalities to pay the damages resulting from their use of the city drains for their drainage; to construct drains in private streets and lanes when required in the interest of public health, without being bound to pay any damage or compensation for the use of such streets or private lanes for such work; Main sewers or tunnels, etc.;

95. To permit, under such conditions and restrictions as the council may impose, the track of any street railway Railway tracks, etc., in city, etc.;

or other railway to be laid in the city; to regulate the number of passengers to be carried in each car or vehicle used by such street railway; to regulate the condition in which the cars are to be kept; to regulate the use of locomotive engines, and of steam or any other motive-power on any railways in the city; to prescribe and regulate the speed of the cars; and to impose penalties not to exceed four hundred dollars, upon the company managing any such railway, or any of their servants, for each and every violation of any such by-law, the whole subject to the laws in force;

Duties, etc.,  
of building  
inspector,  
etc.;

96. To define the duties and powers of the inspector of buildings and to authorize him, and such other officers as the city may appoint for the purpose, to issue permits for the construction, extension, alteration or repairing of all buildings; to require that plans and specifications and all other documents in this connection be submitted at the same time as the application for a permit; to require that such plans, specifications and other documents be deposited in the department of the inspector of buildings, where the same shall be filed of record; to visit and examine, in the performance of their duties, the interior as well as the exterior of any house or building under construction, under repairs or completed, for the purpose of adopting any measures tending to prevent fires or deemed necessary for the safety of workmen and for public safety; to require that all dwellings be provided with at least two exits with stairs leading to the ground; and to provide for the immediate demolition, after notice, of any building erected in contravention of the municipal by-laws;

Cellar vent-  
holes, etc.;

97. To regulate the construction, installation or setting of cellar vent-holes, and to compel their owners to provide the same with iron gratings, or, in the event of their failing to do so, to hold the city harmless against any claim for damages arising from the breaking of panes of glass by the snow-ploughs or other apparatus or implements belonging to or used by the city or its contractors;

Organiza-  
tion, etc., of  
police force,  
etc.;

98. To provide for the organization, equipment, maintenance and discipline of a police or constabulary force in the city, with power to regulate the residence, classification, rank, service, inspection and distribution of such force, and to prescribe its duties; to authorize the mayor, in cases of emergency, to appoint as many temporary police officers, at a compensation to be fixed by the council, as he may deem necessary, provided that such appointments shall not continue in force for more than one week without the consent of the council; to provide for the

punishment, by dismissal, or by fine or imprisonment or both, of any member of the police force who shall, directly or indirectly, accept any money or gratuity, or any kind of intoxicating liquor;

99. To provide for the punishment, by fine, or imprisonment, of any person who accepts or, directly or indirectly, offers any sum of money or any gratuity whatever for the purpose of promising a place or employment in the corporation, and by the loss of his situation if the guilty party is an employee of the corporation; Punishment of persons offering, etc., money for employment by city;

100. To authorize and regulate the granting of licenses to carters, owners or drivers of vehicles for hire, or to owners of vehicles used in the city for the delivery of meat, bread, milk, ice, vegetables, groceries, or any other goods, effects or merchandise, whether such owners reside in or outside of the city; for the good government and discipline of the drivers of such vehicles for hire; to fix a tariff of the rates they shall be entitled to charge, and to punish persons who use such vehicles and refuse to pay the fare as established by a tariff; Carters, etc.;

101. To prevent any person residing beyond the city limits from carrying on his trade or business within the city, without taking out a license and number for each and every vehicle used in the city for the purposes of such trade or business; provided that there be no unjust discrimination against such person; Licensing non-residents who trade in city, etc.;

102. To regulate the respective duties of masters, apprentices, servants, domestics, journeymen and laborers; Masters and servants, etc.;

103. To regulate the persons plying as ferrymen, and to establish a tariff of rates to be charged by such ferrymen; Ferrymen, etc.;

104. To establish and maintain public baths, wash-houses, comfort-houses and lavatories; Public baths, etc.;

105. To contribute to the establishment and maintenance of libraries, reading rooms and public museums for historical, literary, artistic or scientific purposes; and also to give subsidies to agricultural, industrial or international exhibitions; Contribution to libraries, etc.;

106. To provide, after notice given to the interested parties, according to the charter of the city of Quebec or its by-laws, for the closing and demolition of buildings within the city which are no longer fit for human habitation or occupation; and to recover from the owners of such buildings the cost of clearing and demolishing the same, when the work has been done by the city, which cost shall be an hypothecary charge upon the immoveable; Uninhabitable buildings, etc.;

Census, etc.: 107. To take, once in every two years, a census of the inhabitants of the city, for the purpose of ascertaining their number, and of obtaining statistics regarding their social, economical and sanitary condition;

Board of health; 108. To establish a board of health, with such privileges, powers and authority, as the council may deem fit; which board may be composed of aldermen or of qualified citizens outside of the council; to take means to promote the health of the city; to provide precautionary measures against the introduction of diseases; to make regulations for preventing contagion or infection therefrom, and for diminishing the danger thereof; and to define and regulate the duties, powers and attributions of the health officers;

Fire department, etc.: 109. To organize, maintain and regulate a fire department and fire brigade, and to equip and maintain the same with all necessary appliances by purchase or lease; to appoint all officers and men necessary for the extinction and suppression of fires, the protection of property from fire, and the prevention of accidents by fire; to provide for the punishment of any person or persons who may interfere with any member of the fire brigade in the performance of his duty, or who may tamper with, impede or obstruct any of the signal boxes, wires, or apparatus of the fire alarm department;

Demolition of buildings at fires, etc.: 110. To authorize the demolition of buildings and fences, when deemed necessary to arrest the progress of fire; to provide for the removal and keeping at a distance from fires of any person or persons whatever; to empower the mayor, the chief, or other officials to exercise the powers mentioned in this paragraph; to authorize the mayor, under such provisions as the council may enact, to send fire-engines, men, and apparatus to the relief of any municipality outside of the city, that may be endangered by fire, provided, however, that such municipality shall be held responsible for all expenditure or damage which may be incurred in connection therewith; to provide for the erection of fire stations, and the purchase or expropriation of sites therefor, subject to the provisions of this charter; to provide for the punishment, by fine or imprisonment, before the Recorder's Court, of any person who shall refuse to obey the lawful orders of the chief or acting-chief of the fire department, at any fire in the city;

Traffic in streets, in certain cases; 111. To regulate or interrupt traffic in the streets of the city, whenever works of public improvement, duly authorized, are being performed thereon, or in case of fire;

Traffic in streets on 112. To regulate or temporarily interrupt traffic in the streets of the city on the occasion of any public recep-

tion, procession, celebration or public rejoicing, provided that notice thereof be given by proclamation of the mayor or, in his absence, of the pro-mayor, in at least two newspapers, one published in the French language and the other in the English language; occasions of public receptions, etc.;

113. To suppress all places where opium or any other similar drug is sold or supplied for consumption on the premises, and to punish the persons keeping, living in, frequenting or found in such places, by a fine or imprisonment or by both penalties at once; Opium joints;

114. To regulate or prohibit begging in the streets and public places; Begging;

115. To protect the members of the fire brigade of the city against accidents resulting from false fire alarms, and, to that effect, to impose on those who sound false alarms, for the first offence, a fine of two hundred dollars, and, in default of payment, imprisonment for a term of not less than six months; for the second offence, a fine of three hundred dollars, and, in default of payment, imprisonment for a term of not less than twelve months; for the third offence, two years' imprisonment without any option of a fine, the whole with costs; Penalty for false alarms;

116. To prescribe in what manner and in consideration of what sum the numbers of the licenses issued under this act shall be replaced in cases where persons to whom they have been delivered declare that they have lost them; to compel holders of licenses to take greater care of such numbers; to prescribe that every number lost may be replaced by the city on payment by the holder of the license of a sum not exceeding five dollars, and that, in default of the payment of the said sum, no duplicate number shall be delivered; Replacing of lost numbers of licenses;

117. In the interest of public health, to prohibit the adulteration of any substance intended for food; to prohibit the sale of any adulterated or unwholesome food, and order the confiscation or the confiscation and destruction thereof, as the case may be; to define what constitutes food for the purposes of this paragraph, as well as what shall be considered an adulteration thereof; to enact that a third offence against any by-law passed in virtue of this paragraph shall render the offender liable to imprisonment, not exceeding two months, at the discretion of the recorder, in addition to the usual penalty; Adulteration of food, etc.;

118. To compel all persons, firms, companies or corporations, including all owners of theatres and other establishments, having now or in future on their premises either a fire alarm box or an alarm gong, to pay to the city or to Payment by proprietors of underground connections

with fire alarms, etc.; the contractor who has done the work, the cost of all underground connections leading to such box or gong, and to authorize the city to cut off or have the connections with the fire alarm system cut off in case of refusal to pay such cost;

Private underground conduits and reserve of ducts for fire-alarm wires, etc.; 119. To compel all persons, firms, companies or corporations who shall build underground conduits in the streets, thoroughfares or public places of the city, to reserve one duct, in such conduits, sufficiently large for the city to place therein, at its own risk and peril, at least two wires for the fire alarm and patrol alarm telegraph, for the use of the city; provided that the installation and maintenance of such wires shall be made and maintained by the owners of the conduits, if such owners so desire, at their own expense. But in such cases, the city shall indemnify the said company or person for the additional costs occasioned to them by the reservation of such duct; such cost shall be established by arbitration in default of an understanding between the parties;

Tax upon cellars, etc., under streets, etc.; 120. To compel every person, firm, company or corporation to whom a permit has been granted for the construction of any cellar, vault, coal chute, or opening with permanent covering, tunnel, viaduct or conveyer, either above or under ground, in any street, thoroughfare or public place of the city, and generally for the occupation of the public domain for private purposes, to pay an annual tax not exceeding five per cent of the superficial value of the land occupied as aforesaid, taking as a basis the municipal valuation, per foot, of the bordering property opposite, irrespective of the value of the building; but this paragraph shall not affect companies that have obtained such power in virtue of their charter; to hold such person, firm, company or corporation responsible for the damages or claims resulting from the construction, existence or maintenance of such works on the city property; to determine the places where and the manner in which such works shall be done and the quality of the material to be used in connection therewith; to revoke any such permit granted for any of the above purposes after a notice in writing of at least one month given to the proper party;

Certain taxes to be privileged; 121. Every tax imposed by the city under by-laws based on paragraph 120 shall be a tax on immoveables and a privileged claim ranking, without registration, on the proceeds of the sale of the immoveables for the use whereof the occupation of the public grounds has been permitted, in the order fixed and determined by the Civil Code.

Provisions applicable. All the provisions of the city charter respecting annual taxes on immoveables shall apply to such taxes;

122. To make by-laws, authorized by law, apply only to a portion of a ward, or to one ward or to several wards of the city; By-laws applicable to part of ward, etc.;

123. To enact that all municipal officers shall be authorized to enter, at any time, in public buildings, industrial establishments, places of amusement, hotels, apartment houses, educational and charitable institutions, or in any other premises or places where explosive compounds, shavings, rubbish or other materials, articles, goods or merchandise liable to cause fire are placed or kept, in order to ascertain whether such explosive compounds, shavings, rubbish, or other materials, articles, goods or merchandise are so kept or placed in such a manner as, in the opinion of any such officers, to be a source of a danger of fire; Entry of municipal officers into public buildings, etc.;

124. To compel the owners, tenants, occupants, caretakers, and watchmen of any such public buildings, industrial establishments, places of amusement, hotels, apartment houses, educational and charitable institutions, and any other premises, or places where are placed and kept any explosive compounds, shavings, rubbish, or other materials, articles, goods or merchandise liable to cause fire, to place and keep the same in such a manner that, in the opinion of the said officers, they may not cause any fire; to give such municipal officers power to order that they be so arranged that there shall be no danger of fire; and to prescribe that, in the event of the by-laws or orders so given not being complied with, the same shall be removed at the expense of the delinquent, and that the latter shall further be liable to such penalty as the council may enact within the limits authorized by the charter; Keeping of explosives, etc., so as not to cause fire;

125. To prevent the piling up of merchandise, goods, produce, stock in trade and other articles whatsoever, in windows, doors, or other places required for circulation, of warehouses, industrial or commercial establishments, so as to allow the firemen free access and unimpeded passage in any part of such warehouses or establishments; Prevention of piling up merchandise, etc.;

126. To prohibit all persons from driving over or across hose in use, about to be used or which have been used in any street, avenue, lane or public place by the fire department, except His Majesty's mail, or ambulances when conveying any patient or injured person to any hospital, or proceeding to the scene of an accident, or any vehicle which the officer in command at a fire may permit to pass under his direction; Driving over hose forbidden; Exception.

127. To give firemen the powers and duties of special constables; Special constables, etc.;

Patrol wagons, etc.; 128. To enact that on the approach of any ambulance or of any vehicle or apparatus of the fire department, the patrol wagons of the police or of tramway and light companies in the city, responding to a call, every owner or driver of any vehicle or motor-vehicle whatsoever shall bring the same to a standstill on the right hand curb, and remain there until the said ambulance, vehicle, apparatus or patrol wagons shall have passed; and to enact that, in the case of tramways, the cars shall also stop as promptly as possible, and remain stationary to allow the ambulance, vehicles and apparatus of the fire department or patrol wagons to pass;

Posting of certificates by engineers, etc.; 129. To oblige every engineer having charge of any engine or steam-boiler in the city, to post up his certificate or license in a conspicuous place in the engine room or furnace room; and to impose a fine on every owner or lessee of an engine or boiler, for each day he employs engineers not provided with a regular certificate;

Prohibiting excavations, etc., in streets, etc.; 130. Notwithstanding any law to the contrary, to prevent any person, firm, company or corporation whatsoever from making any excavation in any street, lane, thoroughfare or public place, including squares and public parks, without having previously deposited in each case, with the city treasurer, a sufficient sum, which shall be fixed by the city engineer, to perform the work required in order to restore the roadway, macadam, paving and sidewalk to its former state of solidity and durability, and even to renew the same should the city engineer so decide, the whole subject to the provisions hereafter set forth; to provide that the work of refilling the cut or excavation shall be done by the person who has made such cut or excavation, under the supervision and to the satisfaction of the officer designated for that purpose by the city engineer, and that the repairs to the roadway, macadam, paving and sidewalk shall be made by the city, and that the cost thereof shall be paid out of the deposit in the hands of the city; to provide that, in the event of the sum deposited not being sufficient to pay the cost of such repairs, the city may require an additional amount to entirely cover the cost of such repairs, without diminishing in any way the obligations and responsibilities towards the city of the person who shall have the excavation made.

Deposit; Any such deposit shall be made either in cash or by bonds of a surety, guarantee or trust company authorized to do business in the Province of Quebec, and, in the event of accident to any underground installation necessitating immediate excavations, a delay of forty-eight hours shall

be granted to such persons, firms, companies or corporations to make the deposit required by this paragraph.

In the event of any dispute between the city and any such persons, firms, companies or corporations as to the extent or cost of the repairs rendered necessary by any excavations, the same shall be submitted for adjudication to the Quebec Public Service Commission, and its decision shall be final and without appeal.

Pending litigation before the Quebec Public Service Commission, the city shall, nevertheless, have the right to proceed with the repairs.

The foregoing provisions shall not in any way affect any contracts existing between the city and any persons, firms, companies or corporations;

131. To allow, notwithstanding any law to the contrary, the vehicles of the fire department, the patrol wagons of the police or of tramway and light companies and the hospital ambulances, the exclusive use of horns or alarm whistles of a pattern to be determined by the city, and also to determine the exclusive manner of using the same;

132. To compel the owners or occupants of any lot of land, except farm lands, to cut and destroy, between the 15th of July and 15th of August of each year, all weeds whatsoever existing thereon which may be a source of danger of fire, and to determine in what cases such weeds are a source of danger;

133. To permit, under such conditions and restrictions as the city may impose, the circulation of autobuses and the establishment, maintenance and operation of autobus lines in the city of Quebec; to prescribe on which streets they may circulate and be established, and from what streets they may be excluded, subject to the provisions of chapter 35 of the Revised Statutes, 1925, governing motor vehicles, respecting speed limits, the registration of vehicles and the licenses of owners and chauffeurs;

134. To compel the owners of automobiles and taxicabs for hire, to provide their cars with taximeters of a model approved by the city, and impose a penalty on every chauffeur of an automobile or taxicab for hire, who has no taximeter;

135. To regulate the government and discipline of chauffeurs of automobiles and taxicabs for hire, and to punish persons who use such vehicles and refuse to pay the tariff rates indicated by the taximeter, and to allow the city to inspect the taximeter;

Placing of  
wires in  
streets, etc.;

136. To regulate: (a) the manner of placing in the streets, lanes, or public places, or in or on private properties, overhead and underground wires, with their accessories and installation; (b) the manner of connecting any building now erected or to be hereafter erected, or any machine or apparatus, in said buildings, with the wires and installations of persons, firms, and corporations supplying or producing electric power within the limits of the city; (c) the manner of placing the wires in any building where electric power is used; (d) the nature and kind of materials and appliances to be used and the method of using such materials and appliances. This paragraph shall not be construed so as to restrict in any wise the rights and powers conferred upon the city in virtue of any of the provisions of the charter and its amendments;

Inspection  
of houses of  
refuge, etc.;

137. To make the sanitary and medical inspection of houses of refuge, night refuges and all other similar refuges in which persons are harboured; and to compel the owners or tenants of such establishments to keep a register in which the names of the persons harboured by them shall be entered, with date of admission and of the discharge of each of them;

Prohibition,  
etc.; of  
steam  
vehicles,  
etc.;

138. To prohibit or regulate the traffic in the streets, lanes and public places of the city of any vehicle, truck or other traction vehicle driven by steam. The council may also regulate the traffic in the streets and public places of all traction vehicles driven by gasoline, electricity or other motive power, and enact that the wheel tires of such vehicles shall be covered with rubber and that such vehicles may run only in the streets designated by the council.

Motor vehi-  
cles not used  
for traction,  
etc.;

The prohibitions contained in chapter 35 of the Revised Statutes, 1925, shall continue to apply to motor vehicles which are not used for traction purposes, and the wheels of which have tires of rubber or any other material, the ordinary use whereof will not damage the streets, lanes and public places in the city;

Stop-cock  
on main gas  
pipe in eve-  
ry building;

139. To compel every owner of a building now or which may hereafter be erected, where gas is used for lighting or other purposes, to place a stop-cock on the main gas pipe, of the same dimensions as such pipe, inside of said building, in a convenient place, easy of access and as close as possible to the wall where such pipe enters the building;

Connection  
of electric  
wires with  
under-

140. To compel the owners, occupants, possessors or tenants of any building now existing where electricity is used for lighting or power purposes, to arrange, within such delay as it may fix, the electric wires inside of such

building so that they can be connected with the wires of <sup>ground con-</sup>the underground conduits, and to impose for the violation <sup>duits;</sup> of such by-law the penalty provided by the charter. Failure to comply with such by-law within the delay fixed shall constitute a separate offence, for each day after such delay;

141. To prohibit the erection of dwelling-houses on <sup>Dwellings</sup>lanes; <sup>on lanes pro-</sup>

142. To order that barber shops shall not open before <sup>Closing of</sup>seven o'clock in the morning and shall be closed to the <sup>barber</sup>public at eight o'clock in the evening, except on Saturdays <sup>shops;</sup> or the day before a holiday, upon which they may remain open until midnight;

143. To compel all persons selling or distributing milk <sup>Milk dealers</sup>or cream in Quebec to furnish a list of names and addresses <sup>to furnish</sup>of those who supply the milk or cream so sold or distri- <sup>list of sup-</sup>buted; <sup>pliers;</sup>

144. To prohibit the use of the flesh of dogs, cats or <sup>Regulation</sup>horses for consumption by human beings or animals, or to <sup>of meat to</sup>regulate the slaughter and the inspection of such animals <sup>be used as</sup>before and after being slaughtered, as well as the manner <sup>food;</sup>in which the flesh of such animals may be sold or utilized;

145. To inspect and regulate, from a sanitary point <sup>Bottling</sup>of view, establishments where non-alcoholic drinks are <sup>establish-</sup>made and bottled; <sup>ments;</sup>

146. To regulate the installation, inspection and use <sup>Regulation</sup>or employment of hot water furnaces and other heating <sup>of furnaces,</sup>apparatus; <sup>etc.;</sup>

147. To compel all public relief institutions, whether <sup>Returns by</sup>subsidized or not, to report to the city every year on the <sup>institutions.</sup>work they have done, and to fill up the forms furnished them for such purpose;

148. To regulate or prohibit tag-days in the streets <sup>Tag-days;</sup>and public squares or from house to house;

149. To prescribe the manner of throwing snow from <sup>Clearing</sup>roofs, galleries, platforms or porticoes into private streets <sup>roofs, etc.,</sup>or lanes, and order in what manner and at whose expense <sup>of snow;</sup>such snow shall be removed;

150. To forbid anybody buying from a non-trader any <sup>Prohibition</sup>metal pipes or other second-hand metal articles used in the <sup>to purchase</sup>erection of buildings, unless the seller gives the purchaser <sup>certain arti-</sup>a certificate from the chief of police of the city or his re- <sup>cles from</sup>presentative, establishing that such articles belong to him; <sup>non-trader;</sup>which certificate shall be kept by the purchaser for at least one year;

Names of streets;

151. To give names to private streets and to change the names of any public or private street notwithstanding any contract or agreement designating such public or private street; and to forbid anybody giving a name to a private street and designating it under such name, without the same being previously approved by the city;

Sale of poultry, etc, by weight;

152. To compel every person retailing poultry, eggs or vegetables (except fresh vegetables) in the city, to sell the same by weight;

Journey-men plumbers must be licensed;

153. To forbid master plumbers to employ journey-men plumbers who have neither obtained a license from the city nor the certificate of competency required by the city by-laws; to compel the master plumbers to give to the city the name and address of every journeyman plumber in their employ;

Removal of snow and ice from streets, etc.;

154. To declare that the city shall undertake to remove snow or ice from its streets or from some of the said streets or from certain portions of the said streets as well as from the sidewalks of such streets or parts of streets; to compel the persons obliged to remove such snow or ice to repay the city the actual cost of the removal of such snow or ice by the city, after deducting what has to be paid by the Quebec Railway, Light, Heat and Power Company or any other electric tramway company on such streets as are traversed by such electric tramway, and to regulate the manner of recovering and collecting the expense incurred by the city for that object; and, while awaiting recovery, the city is authorized to borrow by means of treasury bonds the amount necessary to pay such expense;

Idem;

The curb bordering the bed of the street in front of all bordering proprietors shall be the base upon which shall be calculated, in lineal feet of the length of the said curb, the cost of the removal of the snow.

Bed of street;

If the bed of the street is not determined, it shall be considered to be twenty-eight feet wide and, if the bed at a point of intersection is in the form of a curve, the limit of the bed on both sides shall be the point of intersection of the prolongation of the respective beds of each of the intersecting streets.

Riots, etc;

155. To indemnify persons whose property has been destroyed or damaged in whole or in part by rioters or by a mob within the limits of the city:

Compensation.

a. The council is authorized to levy, over and above all other taxes, upon the taxable property of the municipality, the amount which the municipality is called upon to pay for the damages to property by rioters or by a mob;

b. In default of the council paying within six months the damages awarded by arbitration, the municipality may be sued before any competent court to recover the damages thus caused; Recovery.

156. To assist any person who has received a wound or contracted a disease at a fire; Assistance to wounded at fire;

157. To make a settlement of money or of any other description upon the person who performs a meritorious action at a fire; or saves or attempts to save some one in danger of drowning or exposed to another serious danger; Rewards for meritorious actions;

158. To provide for the needs of the family of any person who is lost in a fire, or in saving or attempting to save someone from a serious danger; Assistance to family in need;

159. To support and assist the poor residing in the municipality who, through infirmity and their age or other cause are incapable of earning a livelihood; Assistance to poor;

160. To offer and pay rewards for the discovery and arrest of criminals; Rewards for arrest of criminals;

161. To regulate the weighing or measuring of fire-wood, coal, salt, grain and lime. Weighing, etc., of fire-wood, etc.;

162. To order that in certain streets or parts of streets the buildings to be built thereon shall be built only at a certain distance from the line of the street; Building on certain streets;

163. To exact for a peddler's license a sum not exceeding five hundred dollars, and exact from peddlers not residing in the city a sum different from that exacted from peddlers residing therein; Peddler's licenses;

164. To compel peddlers to procure from the chief of police a number or badge which they must wear so that it shall be visible; Peddler's badge;

165. To determine the places in the city where public garages, stables and cow-sheds may be erected, and the manner in which they may be constructed; Erection of garages, etc.

166. To forbid the use by motor vehicles of any street or public road which it may consider dangerous; Motor vehicles on streets;

167. To compel the owner or possessor or lessee in the city of bicycles, tricycles, velocipedes, and other vehicles or machines of the kind used in the city, to pay to the city an annual special tax not exceeding two dollars for each such bicycle, tricycle, velocipede or other vehicle or machine as aforesaid; Tax on bicycles, etc.;

168. To regulate and fix the rental to be recovered by the said corporation, for all wharves, the property of the said corporation; Rental for wharves;

169. To make a tariff of the dues or rates of wharfage to be exacted and levied for the use of the said wharves; Tariff of dues of

- wharfage, etc.; for the mooring of schooners, vessels or other craft, and for discharging, loading or depositing thereon, for any other purpose, any animals, merchandise or effects whatsoever;
- Approval of posters; 170. To order that every poster or advertisement intended to be exposed to the public view within the limits of the city must, before being so exposed, be approved in the manner provided in the by-laws;
- Prohibition of spreading clothes, etc.; 171. To prohibit the spreading of clothes, carpets or other unsightly object on the front of any house along a street, boulevard or public place;
- Maternity hospitals. 172. To regulate private maternity hospitals;
- Maximum weight of automobile-trucks; 173. To fix, notwithstanding the provisions of the Motor Vehicle Act (Revised Statutes, 1925, chapter 35), the maximum weight which an automobile-truck may carry in the streets of the city, and prohibit the use of chains or apparatus not approved by the city inspector and serving to prevent the wheels of such trucks from sliding.
- Use of streets; The city may also, by mere resolution, forbid, for certain definite periods at certain times of the year, the use of certain streets or parts of streets of the city to automobile-trucks, and impose for any infraction of such resolution the penalty provided by article 394.
- Tax on poles; 174. To compel any incorporated company to pay to the city an annual special tax not exceeding twenty-five cents for each pole which it uses or whereof it has the use or control in the streets or public places of the city for telegraph, telephone or electric light lines, or for the transmission of electric motive power, or destined for its use;
- Width of roadway of certain streets, etc.; 175. To order that the width of the roadway of certain streets or parts of streets to be paved shall be limited to thirty feet for wheeled traffic, and that the roadway of certain existing streets or parts of streets shall be narrowed or widened so as to have wide sidewalks and lawns, with trees planted where necessary, and, in such case, the bordering property-owners shall pay half the cost of the street curb in the same manner as if the sidewalk bordered the roadway of the street;
- Licenses to sell any article in the streets; 176. To oblige all persons selling or offering for sale in the streets, squares or public promenades of the said city, any merchandise, object, article or effect whatsoever, to obtain from the said council a license for that purpose, which license shall be valid during the period fixed, and shall be given by the officer named for that purpose by the by-law;
- Licenses to keep vehicles, etc., for hire; 177. To compel every person, keeping horses or vehicles for hire in the city, to obtain a license for that purpose,

by paying for the said license a sum not exceeding fifty dollars, and an additional sum, not exceeding ten dollars, for each horse and each vehicle intended only to be hired out at the domicile, office or place of business of the proprietor of such horses and vehicles, when the horses and vehicles, which shall be exempt from carrying numbers, shall not remain for hire on carter's stands.

178. To authorize all officers or constables of police of the said city, to conduct into any public pound, in the said city, now established or which shall be established by the council, any horse, cow, pig, sheep, goat or ram, which may be found straying in any street, or public square, or public promenade or wharf in the said city, or without any proper person taking care of the same; and any such animal shall remain in such pound until it has been claimed by the owner, who shall pay such fine as shall be determined by the by-laws made for that purpose, as also the cost of keeping and feeding such animal;

Conduct of animals to public pound, etc.;

If such animal be not claimed within eight days following the day upon which it shall have been taken as aforesaid, it shall be sold by public auction, after notice given to that effect in the French and English languages, and the proceeds of the said sale shall be remitted to the treasurer of the city, who shall remit the same to the owner of the said animal after deducting the fine and the costs of keeping and feeding;

Sale of such animals after certain delay;

If the owner does not present himself within the six months following the said sale, the balance of the proceeds thereof, belonging to the said owner, shall be placed by the treasurer to the credit of the city, to form part of the funds of the city;

Disposal of money;

179. To regulate the weight of loads to be drawn by a horse, up any of the hills, within the limits of the city; the weight of any such load not to exceed eighteen hundred pounds, for a vehicle of any description;

Weight of loads to be drawn by horse;

180. For suppressing and regulating houses of prostitution, houses of ill-fame or disorderly or reputed such, or any other building whatsoever in the said city, suspected of being a house of prostitution, house of ill-fame or disorderly house, and to make in relation to such houses or buildings, or to the masters or mistresses thereof, or persons reputed such, or the tenants or occupants of such house or building, or the persons dwelling, lodging or residing in such house or building, or relating to any prostitute or person known or reputed to be such, any by-law necessary for public order, decency or morality; and, by any such by-law, any master, mistress, tenant or occupant of such

Houses of prostitution, etc.;

house or building, or any person reputed to be such, may be held responsible for any infringement of the provisions of such by-law, by any person dwelling, residing or lodging in such house or building, or frequenting the same; but nothing herein contained shall prevent the party offending from being prosecuted for the offence by him or her committed against such by-law, at the option of the prosecutor; and by such by-law, any infringement of the provisions thereof shall be punishable on conviction before the Recorder's Court, by a fine not exceeding one hundred dollars, or, in default of payment of the fine and costs, by imprisonment with hard labor, for a period not exceeding six months; but the imprisonment shall cease on the payment of the fine and the costs due at the date of such payment, or by imprisonment for six months without option of a fine, or both at once, at the discretion of the recorder.

Houses of prostitution, etc.;

All proprietors, usufructuaries or institutes in case of substitution, agents, and all other persons knowingly leasing, subletting, causing or allowing to be occupied within the limits of the city of Quebec, any houses, premises or buildings whatsoever to or by persons of ill-fame, or reputed as such, for purposes of prostitution, or reputed as such, shall incur, for each and every infringement, a fine not exceeding two hundred dollars currency, or an imprisonment in the common gaol of the district of Quebec, for a period not exceeding six months; and, in default of immediate payment of the fine (if a fine instead of an imprisonment is by the conviction imposed), the offender shall be imprisoned in the said common gaol for a period not exceeding six months, unless such fine be sooner paid. And all suits or complaints to recover such fine shall be instituted in the name of the said corporation of the city, before the Recorder's Court.

Summoning of transgressor;

For such purpose, the said court has the power to summon the transgressor, although he may reside without the limits of its jurisdiction, in the Province of Quebec, to appear before the said court to answer to the charge brought against him, to defend himself, and be judged in conformity with the law which governs the said court;

Horse racing;

181. To prevent horse racing or furious driving in the streets of the said city;

Keeping of vicious dog, etc.;

182. To punish, by fine, every person who shall keep or have in his possession a vicious dog, biting or attacking the passers-by or other persons, or who shall keep any other vicious animal, ferocious or dangerous to the safety, or obstructing and disturbing the tranquility of the citizens or of others in the city; and to order that the said dog or other

animal be shut up or killed, or cause to be killed, or destroyed, at the cost and charge of the owner or persons keeping the same;

183. To award damages, not exceeding forty dollars, Damages to any person bitten or wounded by such dog or animal; for injuries by dogs; and the prosecution for the said fine or damages shall be brought before the Recorder's Court, and heard and judged according to the laws which regulate the said court.

If the person thus bitten or wounded be a minor of less than sixteen years of age, in such case the action for damages shall be brought in the name of the father, or mother, or tutor of such minor; If person hurt be a minor;

184. To punish by fine the owner, keeper, or driver of any horse found in any street, lane, wharf, or other public place in the city, without any competent person being in charge thereof; Horses left alone;

And by such by-law, the master, owner, or possessor of any such horse may be prosecuted personally and condemned for any infringement of the provisions of such by-law, whether the said infringement has resulted from the action of the said master, owner or possessor, or from the act of his domestic, servant or other person whomsoever in his service, or to whom he may have loaned or leased the said horse; Prosecution;

185. For the good government and discipline of carters, and for establishing carters' stands in the city; and to make, change and alter a tariff of fees to be taken and charged by such carters, or by all persons hiring out horses or vehicles in the city; Carters and carters' stands;

And by any by-law so made, any person exercising the calling of carter may be held responsible for each and every violation of the said by-law committed by such carter or by his hired men or servants, whether the said violation arises from the act of the said carter, or from the act of any such hired men or servants, and may be prosecuted and punished in conformity with the provisions of such by-law. But nothing contained in the present paragraph shall prevent the person by whom such act has been committed from being prosecuted and punished by virtue of the said by-law. Damages for misconduct of carters;

Any person who shall be in the habit of remaining with a vehicle with one or more horses harnessed thereto, or of causing such vehicle so to remain on a carter's stand, or in a street, lane, porch, or the entry of a yard or house, or on a public square in the said city, or of carrying in such vehicle any persons, effects or merchandise whatsoever, shall be considered as carrying on the business of a Who is deemed carter for gain, etc.;

carter for lucre, gain or profit, either for himself or for some other person, and shall be liable to any fine or penalty imposed by law or by the by-laws of the city, on persons carrying on the business of a carter; and in any suit or complaint brought by virtue of this paragraph, the *onus* of proving that he does not so exercise the business of a carter shall lie upon the defendant;

Licenses for guides;

186. To make by-laws for imposing a license on all those who act as guides for remuneration within the limits of the city and to determine the conditions upon which such license shall be obtained.

Powers of council.

**337.** In order to give full effect to articles 335 and 336, and to extend and complete the same, so as to secure full autonomy for the city and to avoid any interpretation of such articles or their paragraphs which might be considered as a restriction of its powers, the city is authorized to adopt, repeal or amend and carry out all necessary by-laws concerning the proper administration of its affairs, peace, order and safety, as well as all matters which may concern or affect public interest and the welfare of the citizens; provided always that such by-laws be not inconsistent with the laws of Canada or of this Province, nor contrary to any special provision of this charter.

Power of council:

**338.** The city council, as soon as suitable underground conduits have been constructed, may, by by-law:

To have posts removed.

Order that, after the period specified therein, which shall not be less than three years, electric, telegraph, telephone, electric light companies, or all similar companies, shall remove from the streets or public squares in the city the posts on which the electric wires of such companies are suspended, and that such electric wires be put underground and not otherwise, as already provided by the various charters of such companies.

Default.

In every by-law on this subject, the council may order that in default of such companies cutting down and removing the posts and wires within the delay specified in the by-law, the city shall have the right to have the same cut down and removed at the expense of the company in default.

Right of companies.

Companies shall have the right to construct their own underground conduits with the consent of the corporation and under the superintendence of the city engineer.

Underground conduits, etc.;

**339.** The city is authorized to construct, administer and maintain, with the right to regulate the use thereof, a system of underground conduits, wherein shall be

placed all telegraph, telephone, electric light and power wires, street railway feeder and other lines (exclusive of trolley wires) and cables and transmission lines, belonging to any person, firm, syndicate, company or corporation, now or in the future having or exercising rights or privileges in, on or above the streets, public or private lanes, thoroughfares or other places; such conduits to be of sufficient size and capacity not only to fulfil the present requirements, but to provide to a reasonable extent for future requirements.

As the city decides to construct underground conduits in any part of the city, the said companies, persons, firms, syndicates or corporations shall, upon notification, furnish such necessary information as may be asked for by the city, and shall state what portion of the underground conduits they wish to reserve.

Information, etc., to be given by companies.

The city is authorized to impose a fine of twenty-five dollars for each day such companies remain in default after sixty days from the date of such notification.

Penalty.

This article shall not be interpreted as allowing the city to administer the installations of the various companies.

Interpretation.

**340.** As the city shall construct such underground conduits, or portions of the same, in certain streets or portions of streets, public or private lanes, thoroughfares or other places, the council may compel the persons, firms, syndicates, companies or corporations having, operating or maintaining overhead wires or cables, poles and transmission lines, to remove the said overhead wires and cables, poles and transmission lines (exclusive of trolley wires); and only suitable conductors shall be installed in such underground conduit system, in the manner specified by the council.

Removal of overhead wires, etc.

Should any person, firm, syndicate, company or corporation refuse to place such wires in the said underground conduits in the streets, lanes or public squares where he or it previously had overhead wires, an appeal shall lie to the Quebec Public Service Commission, which may compel him or it to do so if it considers it reasonable.

Appeal to Quebec Public Service Commission in certain cases.

Separate openings or separate compartments in the openings shall be given to each company or person using the said conduits when applied for and provided the same is practicable. If the Electrical Commission of the City of Quebec should refuse separate openings to a person or company generally or in particular cases, an appeal shall lie to the Quebec Public Service Commission, which shall

Separate openings, etc., to be given, etc.

decide the question and determine who shall bear the costs.

Conduits,  
how to be  
constructed.

The conduits shall be so constructed that a permanent wall of brick or other non-conducting material shall separate completely and effectively that part of the conduits in which the electric light or power wires are placed from that part in which the telegraph, telephone and signal wires are carried, and the entrance to each part of the conduit shall be by separate manhole openings.

Poles, etc.,  
not to be  
placed, etc.

**341.** Notwithstanding any law to the contrary, neither the city nor any person, firm, syndicate, company or corporation shall hereafter have any right to plant poles or string wires, or cables, and no person, firm, syndicate, company or corporation, except the city of Quebec, shall have the right to construct underground conduits in or across the streets, parts of streets, public squares and thoroughfares where municipal conduits have been or are being built; nor shall the city council have the authority to grant any such rights to any one whomsoever, excepting for trolley poles, street lamp poles, and such distribution poles as may be found necessary by the city.

Compensa-  
tion if poles,  
etc., remov-  
ed, etc.

**342.** Whenever the city shall have ordered the removal of poles, wires and overhead constructions, compensation shall be awarded the owners of such poles, wires and overhead constructions for the real value, at such time, of the materials, including the installation so expropriated, such compensation to be determined as provided in article 344. After such compensation has been paid, the said poles, wires and overhead constructions and all materials expropriated shall become the absolute property of the city, which shall have them removed.

Expropria-  
tion of pri-  
vate con-  
duits, etc.

**343.** Whenever the city has decided to place the electric service underground in any streets, lanes, public squares or places, or portions thereof, it shall take over the existing underground conduits in such streets, lanes, public squares or places or portions thereof, owned or operated by any person, firm, syndicate, company or corporation, and shall pay reasonable compensation for such underground conduits and also for cables and appurtenances so rendered useless.

Effect of  
payment of  
compensa-  
tion, etc.

After such compensation has been paid, the underground conduits and all materials so expropriated shall become the absolute property of the city. The compensation for the conduits and materials shall be determined as set forth in article 344.

**344.** All compensation shall be fixed and determined by the Quebec Public Service Commission. The said commission shall hear the interested parties and give its award within four months unless such delay be extended by the said commission. Fixing of compensation.

The decision of the majority of the commission shall be final and binding upon the city and the persons, firms, syndicates, companies or corporations, notwithstanding any provisions to the contrary in this law or any other law. Decision final.

**345.** The city is authorized to determine the method and means of connecting the main trunk lines with the distributing lines and of making the service connections. It may construct, administer and maintain distributing ducts, charging a rental therefor, to be determined as hereinafter set forth, or it may allow the persons, firms, syndicates, companies or corporations to construct their own distributing ducts under the supervision and with the approval of the council, and delegate to them, in particular instances, its powers granted by this charter. Connection of main and distributing lines, etc.

**346.** The city is authorized to fix, determine, charge and receive, rentals on all underground constructions reserved by the persons, firms, syndicates, companies or corporations, and on overhead constructions owned by the city. Such rentals shall be fixed from year to year to cover the cost of maintenance and administration of the same, the interest and sinking-fund to be calculated in such manner as to extinguish the debt in not less than forty years on the capital invested by the city for the construction or purchase of such underground conduits, as well as the salaries and expenses of the Electrical Commission. When the said debt has been extinguished, the rental shall no longer include the interest and sinking-fund on the extinguished debt, but the amount of such rentals for each person or company shall be in proportion to the portion of the conduits occupied or reserved by him or it. Rental on underground constructions, etc.

Tenders shall be called for the construction of the said conduits, and any company coming under the operation of this act may tender for the construction of the said conduits, and an appeal shall lie from the acceptance of such tender to the Quebec Public Service Commission. Tenders for building conduits.

**347.** The city is authorized to enter in and upon any private property, including lanes, courts, yards and buildings, for the purpose of placing overhead or underground wires with their appurtenances, without the consent of the proprietors thereof; but compensation shall be given in Entry on private property to place wires, etc.

the manner set forth in article 344 for all real damages caused by the work done, or in consequence of such obstructions.

Bonds for  
conduit sys-  
tem.

**348.** The city council, in order to provide funds for the construction and establishment of the said conduit system, may issue bonds or debentures, or effect a special loan not exceeding two hundred and fifty thousand dollars, with interest not exceeding five per cent per annum and a sinking-fund, the whole as may be prescribed by a by-law of the council.

"The Elec-  
trical Com-  
mission of  
the City of  
Quebec".

**349.** To carry out such undertaking, the city shall pass a by-law providing for the appointment of a commission to be known as "The Electrical Commission of the City of Quebec". Such commission shall exercise all the rights of the city as they are delegated to it by the council for the purposes of such undertaking.

Composi-  
tion and du-  
ties of com-  
mission.

Such commission shall consist of three competent engineers, as hereinafter provided, to prepare and draw up complete plans, drawings and specifications of underground conduits for that portion of the city of Quebec in which it is intended to construct underground conduits, which plans, drawings and specifications, when prepared, shall be submitted for the approval of the Quebec Public Service Commission, which may, after hearing the interested parties, approve and adopt or amend the said plans, drawings and specifications.

Appoint-  
ment of  
commis-  
sioners.

The commission of engineers charged with the preparation of such plans, drawings and specifications shall be appointed as follows: One member shall be appointed by the city of Quebec, another by the companies having the right, under a charter, to put up poles and wires in the city of Quebec, and which, within a delay of one month from the public notice published in a French and in an English newspaper, register a notice of such right in the office of the clerk of the city of Quebec, each company to have a vote in the appointment of such engineer; and the third member shall be appointed by the Quebec Public Service Commission.

Id. of third  
member.

Appoint-  
ment of  
third com-  
missioner by  
judge.

Whenever the persons, firms, syndicates, companies or corporations do not comply with the provisions of the foregoing paragraph, the city shall apply to a judge of the Superior Court and request him to appoint the third commissioner to represent the persons, firms, syndicates, companies or corporations.

Making of  
rules by

Such commission shall draw up the rules and regulations respecting the use, management and maintenance of

such conduits, which rules and regulations, when approved or amended by the Quebec Public Service Commission, shall have full force and effect.

As soon as the said plans, drawings, and specifications of the underground conduits and the rules and regulations mentioned in the foregoing paragraph are approved by the Quebec Public Service Commission, and the contract or contracts for the construction of the underground conduits are given out by the city of Quebec, the city shall, with the approval of the Quebec Public Service Commission, appoint a competent engineer who shall alone have the direction and supervision of the construction and maintenance of the said underground conduits, and, as soon as such appointment is made, the duties of the three members composing the Electrical Commission shall cease and determine and such commission shall then consist of the engineer so appointed.

The salaries of the members of the said commission charged with the preparation of the plans, drawings and specifications, rules, and regulations, and that of the permanent engineer charged with the supervision of the construction and maintenance of such conduits, shall be fixed by the city, subject to the approval of the Quebec Public Service Commission, and none of the said engineers shall be dismissed except by the Quebec Public Service Commission, after hearing the interested parties.

Vacancies occurring in the said commission charged with the preparation of the said plans, drawings and specifications, rules and regulations, shall be filled in the same manner as the appointment was first made.

An appeal shall lie to the Quebec Public Service Commission by the city of Quebec, or by the persons or companies interested, from any rule and regulation or from any decision rendered and any act done by the Electrical Commission of the city of Quebec, or by the city of Quebec.

**350.** Whenever it is necessary or expedient for the city to erect poles to carry electric wires for the purposes of its fire-alarm telegraph system, on public roads in the vicinity of the city, it may for such object exercise the powers mentioned in section 9 of chapter 235 of the Revised Statutes, 1925.

**351.** The city is authorized, after first obtaining the consent in writing of all the bordering property-owners, to close, by by-law, any street or part of a street it may deem advisable; such by-law to be subject to the approval of the Lieutenant-Governor-in-Council.

Removal of snow by city in certain cases.

**352.** Whenever the snow on any street alongside of an unoccupied house or building or vacant lot belonging to a person not residing in the city shall not be removed at the time fixed for so doing by the by-laws, the city engineer, or any foreman employed by the city for the inspection of roads, may have such snow removed at the expense of the city; and the sum so expended may afterwards be recovered from the persons in default to remove such snow by action before the Recorder's Court.

Where snow deposited.

**353.** All snow removed from any place whatsoever in the city must be deposited at the places indicated by a notice published by the city engineer in the official newspapers of the corporation, or be carted outside the city limits under penalty of a fine not exceeding twenty dollars.

Proprietors or occupants to keep drains, etc., in order.

**354.** Proprietors or occupants of houses or buildings or other real property, in or under which any drain, canal or watercourse may pass, shall be bound to keep the same in good order, under the penalty of not more than twenty dollars nor less than four dollars. If after eight days' notice given to them by the city engineer in writing, or by such notice being left at their domicile or place of business, and given to any reasonable person of their family, or in their employ, they shall not do that which they are hereby bound to do, such engineer may cause the same to be done at their cost and charges, which may be recovered from them by the corporation, by an action for debt before the Recorder's Court of the city, together with the costs of such action.

Penalty for default.

Selling of meat, prohibited in certain cases.

**355.** No person shall sell or expose or offer for sale any butcher's meat, such as beef, veal, mutton, or fresh pork, outside of the stalls of the market halls of the city, or of any building appropriated for that purpose by the corporation, or of any store or shop for which a license shall have been given by the corporation, under penalty of a fine not exceeding one hundred dollars for each offence.

Exception for farmers on markets, etc.

**356.** Farmers may, however, sell on the said markets, by complying with the by-laws of the city, all kinds of meat, either by the carcass or by the quarter, being the yield of animals raised on their lands or farms, or owned by them for three months, or the produce of their hunting; and, in all suits brought for violation of the provisions of this article, the corporation shall not be required to prove that the defendant has sold, offered or exposed for sale, meat not being that of animals raised on his land or farm

or the produce of his hunting. In such suits the defendant and his wife shall be competent witnesses, and, if the action be dismissed, the city shall pay the expenses of the witnesses and the cost of summoning them.

**357.** Notwithstanding any law or by-law to the contrary, farmers shall have the right to sell in yards of private residences the produce of their respective farms, such as fruit, vegetables, poultry, eggs and butter, except meat, without being obliged to take licenses for such purposes. Sale of farm products.

**358.** No huckster shall sell, offer or expose for sale, any commodity or provisions whatsoever, except in the stalls of the markets of the said city, or other building appropriated for that purpose by the said corporation, under pain of a fine not exceeding forty dollars for each offence; and in any action or suit instituted for a violation of the provisions of this article, it shall not be necessary for the plaintiff to prove that the defendant is a huckster; it shall rest with the defendant to prove that he is not a huckster. Hucksters.

Any person who buys, for the purpose of selling again by retail, any commodities or provisions commonly sold on the public markets of the city shall be deemed to be a huckster. Who shall be a huckster.

**359.** The city is hereby authorized to grant permits for free trading in fruit, vegetables and fish in the streets of the city, but such trade shall be subject to the city by-laws. Free trading.

**360.** If a majority of the ratepayers residing in any part of the city ask the city council to adopt measures for the removal of garbage by the city, the council may adopt such measures applicable to certain parts of the city only or to the whole city, on varying conditions, according to the various cases and as may be deemed to the advantage of the inhabitants of the city. Measures for removal of garbage.

**361.** The city council may adopt measures for the removal of garbage by the city. Such measures may apply to parts only of the city or to the whole city, and the council may make such contracts, as may be deemed to be to the advantage of the inhabitants of the city, with any individual for such purpose, and may levy a special tax to pay the cost of such removal. Garbage removal.

The council shall further have power to have such re- Garbage re-

moval.      moval of garbage done by means of a franchise granted for the purpose to any individual or company, at such rates and on such conditions and for such period as it may deem advisable to establish by a by-law enacting that such removal shall be obligatory, either throughout the whole city or only in certain parts thereof.

Power of police to enter any house, etc., where liquor is sold.      **362.** Police officers and constables shall have power to enter any house, building or other place in which spirituous liquors are sold or exposed for sale, on the days and during the hours on and during which such trade in liquors is prohibited by law.

Penalty for refusal to admit police.      **363.** Any person or persons who may be in any such house or building or place whatever hereinabove enumerated, or who may be in charge thereof, and who shall refuse, or, after due summons, fail to admit any such police officer or constable, or in any way oppose or obstruct his admission to any such house, building or other place whatever, shall incur, for each and every offence, a penalty not exceeding fifty dollars currency, and, in default of immediate payment of the said penalty, an imprisonment not exceeding three months in the common gaol of the district of Quebec.

## SECTION XXXI

*Ferry over River St. Lawrence*

Power to make by-laws regulating ferries. etc.      **364.** The council may also make by-laws, to regulate the ferries and ferrymen on the river St. Lawrence between the city and any place within the distance of twelve miles from the city; to fix the tolls to be charged and exacted by the said ferrymen; to grant licenses to the said ferrymen, and fix the price or sum to be paid for each license and the period at which the same shall be renewed each year,—one half of the said sums shall belong to the corporation and the other half to the municipality to which the said ferries extend,—and every infraction of the provisions of such by-law shall be punishable by a fine not exceeding forty dollars recoverable by a *qui tam* action.

Power to make by-law to sell, etc., right of ferry to Levis.      **365.** The city council may, if it deem it more advantageous to the city, make a by-law authorizing the sale and adjudication, by public auction or by tenders called for as hereinafter provided, of the exclusive right of ferrying passengers, merchandise, animals and all other objects whatsoever between the said city and the city of

Levis, for no longer than twenty-five years, the said by-law fixing and defining the conditions of such sale.

**366.** The city of Levis shall have power to make such by-laws as it may deem necessary respecting the ferry between the city of Levis and the city of Quebec or any other place, and for imposing penalties against any person, company or ferrymen who or which shall refuse or neglect to comply with such by-laws, and the revenue from such penalties shall belong to the city of Levis. Provided always that the city of Quebec, while having the right to grant the contract for the ferry between Quebec and Levis, subject to the conditions and formalities hereinafter set forth, and to grant a license to that effect for a period not exceeding twenty-five years, shall be bound to pay to the city of Levis one half of the proceeds of the revenue from the said license.

Power of Levis to make by-laws respecting Levis ferry.  
Proviso.

**367.** The right to make and prepare by-laws for carrying out the powers conferred by law upon the city of Quebec and the city of Levis, respecting the ferry between the city of Quebec and the city of Levis, shall be exercised jointly by their councils in the following manner from the expiration of any contract existing for the ferry between the two cities; a joint committee consisting of three members chosen by the council of the city of Quebec, and of three members chosen by the council of the city of Levis, convened by the mayor of the city of Quebec or the mayor of the city of Levis or two members of such committee, at the city of Quebec, within a reasonable delay of not less than two years, before the expiration of the present contract and before the granting of a new one, shall alone have power to make by-laws respecting the conditions of such contract, the granting and the price of the ferry license, the fixing of freight and passenger rates and other conditions which the joint committee may deem advisable to impose.

By-laws prepared by councils of Quebec and Levis.  
Joint committee.

Such committee shall be presided over by one of its members elected by the majority of the members present, and, in the event of the votes being equal in the selection of a chairman, he shall be selected by drawing lots. The chairman of the committee shall have the right to vote upon all questions, and, when the votes are equally divided, he shall have a casting-vote.

Chairman.  
Vote thereof.

The quorum of such committee shall be four.

Quorum.

Such by-laws shall come into force after having been approved by the corporation of the city in the manner indicated by law and by the by-laws of the city of Quebec.

Coming into force of by-laws.

Approval of by-law, etc., by Lt.-Gov. in C. **368.** Any by-law and any contract which may be passed with an individual or a company to establish a ferry service between the said city and the south bank of the river St. Lawrence shall have no force or effect until approved by the Lieutenant-Governor in Council.

Tenders. The city shall, two years at least before the expiration of such contract, call for tenders, in the ordinary manner, for the renewal thereof.

If ferry contract ends before time fixed. Nevertheless if the contract entered into comes to an end in any manner before the date of its expiry, the city council may, by resolution, order the calling of tenders for the sale of the exclusive privilege of the ferry, or order the sale of such privilege by auction upon the conditions contained in a by-law prepared by the joint committee in accordance with the provisions of article 367, after giving notice within the delay fixed by law.

Amendment, etc., of present by-law, etc. With the consent of the parties, the city of Quebec and the city of Levis and the purchaser, the by-law and contract now in force respecting the ferry between Quebec and Levis may be amended as regards the construction of and the specifications for the boats, or the parties may put an end to them.

Temporary ferry arrangements in certain cases. **369.** In the interval between the expiration of a contract for the ferry and the date fixed by the council for the execution of a new contract, or the municipalization of the service between Quebec and Levis, the city of Quebec, upon the recommendation of the joint committee, may make temporary arrangements, for a time not exceeding that required for giving new notices and awarding a fresh contract, with any person or firm, for securing a ferry service on conditions deemed suitable by the joint committee.

Provisions as to joint committee. The joint committee mentioned in article 367 shall exist permanently and shall see to the execution of any contract respecting the ferry between Quebec and Levis. The powers now conferred on such joint committee shall not have the effect of depriving the cities of Quebec and Levis of their existing rights. The mayor of Quebec, or the mayor of Levis, or two members of such joint committee, shall have power to call a meeting of the said committee when necessary.

Agreement with Levis for purchase, etc. of vessels. **370.** Without prejudice to articles 364 and 365, the city of Quebec is authorized to enter into an agreement or contract with the corporation of the city of Levis to provide for the purchase or lease by such corporations of vessels for establishing under their control and administration

a ferry service over the river St. Lawrence, between the city of Quebec and the city of Levis, during the periods of time to be agreed upon between them and on such conditions as may be stipulated between them by by-laws or resolutions to be adopted by each of them respectively and for all purposes connected with such ferry.

If the city of Levis refuses to join with the city of Quebec in the project of making the ferry service a municipal service, the city of Quebec is authorized to effect such service alone.

Ferry service by city in certain case.

**371.** Notwithstanding the provisions of the Municipal Franchise Act (Revised Statutes, 1925, chapter 118), the sale of the exclusive right of ferrying between the said city of Quebec and the city of Levis mentioned in article 364 hereinabove may be made for a period not exceeding twenty-five years.

Duration of sale.

**372.** For the fulfilment of the objects set forth in article 370, the city of Quebec is authorized to procure a sum not exceeding two hundred and fifty thousand dollars by means of an issue of bonds or debentures which may be issued by it from time to time or at the same time, in such manner as may be determined by the council of such city, and to create such sinking-funds as may be required for that purpose. Such bonds or debentures may be made redeemable in thirty years or sooner.

Bonds for certain purposes.

**373.** In the event of the city of Quebec and the city of Levis not undertaking the aforesaid ferry service over the river St. Lawrence, every contract made and entered into with any person or company for such service shall be based on a by-law drawn up by a joint committee of the members of the council of the said cities as set forth in article 366; and such contract must be approved by the Lieutenant-Governor in Council.

Basis of contract for ferry service over St. Lawrence river.

**374.** The council may, by resolution, fix the day, hour and place of such sale, or of the final reception and opening of tenders, and notice of the same shall be published in the official newspapers of the corporation or in the municipal gazette if there be one for at least ten clear days between the first publication of the said notice and the day fixed for the sale or for the final reception and opening of tenders. In case, for any reason whatever, the said sale does not take place upon the day so fixed, another day may be fixed by another resolution.

Publication of day, hour and place of sale to be fixed by resolution, etc.

**375.** A notarial deed of such sale and adjudication

Deed to be passed.

Sureties for fulfillment of obligations. shall be passed between the said city and purchaser. The latter shall furnish two solvent sureties, accepted by the council, who will bind and oblige themselves, jointly and severally with him, towards the city, to the payment of the price of adjudication to the extent of ten thousand dollars, and to the execution of all the conditions of the said deed. The security thus given shall continue to be binding during the whole term of the contract.

Division of proceeds. **376.** The amount arising from such sale shall be divided equally between the said corporation and the municipality to which the said ferry shall extend.

Rules, etc., for safety of passengers. **377.** The council may, by the by-law authorizing the said sale and adjudication, make such rules and regulations for the convenience and safety of the passengers and the mode of crossing, by fixing the time and number of the crossings to be made each day, and may impose a penalty not to exceed forty dollars for any infraction of the provisions of such by-law.

Contract ratified. **378.** Notwithstanding any provisions to the contrary, the contract executed before Charles Delagrave, N.P., on the 18th of March, 1929, under the number 10336 of his minutes, between the City of Quebec and the City of Levis and the Levis Ferry Company Limited, is declared valid and legal and ratified and confirmed for all purposes.

Amount authorized for purchase of wharves, etc. **379.** The city is authorized to expend a sum not exceeding two hundred and twenty-five thousand dollars for the purchase of wharves and land and for the construction of wharves to afford the ferry company between Quebec and Levis all the necessary accomodation for landing its boats, and to issue debentures for the purpose according to the provisions of its charter.

#### SECTION XXXII

##### *Sale of certain property and other special provisions*

Sale of revenues of cattle-stands, etc., by auction. **380.** The city council may, by resolution, order the sale by auction of the revenues of all or any of the cattle-stands and weigh-houses, and determine the manner and conditions of such sale and adjudication.

Fees of officers of council. **381.** The council may make by-laws to fix and determine the fees to be exacted and levied by the respective

officers of the said council, for any service by them done or rendered, at the demand of any person, or for searching for, or making copies or extracts from any by-law or document whatsoever, of which they respectively have charge.

The said fees shall form part of the funds of the city; <sup>City funds.</sup> but no fees shall be exacted in those cases in which the law obliges the council or its officers to give, gratuitously, copies, extracts or communication of any by-law or document.

**382.** The city is authorized to publish a municipal <sup>Municipal</sup> gazette in which the notices required by its charter and <sup>gazette.</sup> by-laws may be published in French and in English.

**383.** The sale by the city of the lots, either vacant or <sup>Lots sold by</sup> built upon, which it owns, shall be effected by public <sup>public auc-</sup> auction. <sup>tion.</sup>

**384.** Notwithstanding any law to the contrary, the <sup>Sale of cer-</sup> city is authorized to put up for sale and sell by public auction, <sup>tain extent</sup> on the day and hour to be fixed by resolution of the council, <sup>of ground</sup> and after public notice according to law, the extent of <sup>called</sup> ground commonly called Montcalm Market with the hall <sup>Montcalm</sup> thereon erected, as bounded by the letters A, B, C, D, E, <sup>Market.</sup> F, G, H and A on a plan dated 15th of February, 1929, drawn by the assistant city engineer, Mr. Edouard Hamel, land surveyer, residing in the city of Quebec, on the following conditions, namely:

1. To be entitled to bid every bidder must previously <sup>Deposit by</sup> deposit, either by accepted cheque or in cash, a sum of <sup>bidder;</sup> ten thousand dollars with the city treasurer before the hour fixed for the said sale by public auction;

2. The upset price shall be one hundred thousand dollars, <sup>Upset</sup> ten per cent whereof payable upon adjudication and the <sup>price;</sup> balance at the signing of the deed of sale;

3. The purchasers shall have possession as soon as the <sup>Possession</sup> lessees of the hall and market shall have left in accordance <sup>after sale;</sup> with their leases;

4. The purchasers shall assume, to the entire liberation <sup>Assuming of</sup> of the city, the conditions set forth in the letters patent <sup>conditions;</sup> from the Dominion Government;

5. The purchasers shall erect, upon the land so sold, a <sup>Obligation</sup> forum, containing, amongst others, an artificial ice skating <sup>to erect a</sup> rink with a *café* or restaurant for the accomodation of <sup>forum;</sup> tourists; such construction shall be of a value of at least five hundred thousand dollars, and the plans must be approved by the city engineer;

- Workmen employed; 6. The purchasers must employ, insofar as circumstances permit of, for the constructing of the said forum, workmen who are ratepayers of the city of Quebec, in preference to others;
- Signature of deed of sale; 7. The deed of sale shall be signed within ten days after the adjudication, and, if not signed within the delay above fixed, the city shall be entitled to confiscate to itself the amount so deposited by the said bidders to be entitled to bid, without any recourse for damages in favour of the said purchasers;
- Delay to begin and penalty for default; 8. The purchasers must, within sixty days of the signing of the said deed of sale, begin the construction of the said forum, continue the same uninterruptedly and complete the same on or before the 30th of April, 1930. If any of the above conditions is not fulfilled to the city's satisfaction within the said delays, the city shall be entitled to confiscate to itself the whole or part of the amounts paid on the said ground and, in addition, to take back, without further notice, the full and complete possession of the said ground, with the buildings and improvements thereon erected, without indemnification by the city nor any recourse for damages on behalf of the said purchasers;
- Additional conditions: In the event of the said sale, and from the date of the signing of the deed establishing it, and to permit of the carrying out thereof, it is enacted as follows:
- Abolition; a. The Montcalm Market is abolished;
- Part of street closed; b. The portion of Des Glacis street marked on the plan by the letters P, C, D, E, K, J, P, is closed and the destination of the said ground is changed, and the city shall cede the said ground to the purchaser of the said Montcalm Market to be added to the ground thereof and form part thereof;
- Gratuitous cession of certain strip of land; c. The purchaser of the said Montcalm Market shall cede gratuitously to the city, for the widening of St. Joachim and d'Youville streets, a strip of land to be taken from the lot 4117 of the official cadastre of Montcalm ward, of the city of Quebec, marked on the said plan by the letters K, L, M, O, P, N, K;
- Obligations of city; d. The city must undertake in the said deed of sale to never close the said St. Joachim street and to use the small park in front only for the widening of St. John street, without power to devote it to other purposes, and it shall further bind itself not to sell the triangular shaped parcel of ground bounded by d'Youville and Dauphine streets, reserving, nevertheless, the right to erect thereon any building which it may deem expedient for its own use and needs;

e. The mayor of the city shall sign the deed of sale on behalf of the city and may require such guarantees as he may deem expedient; Mayor to sign.

f. The whole shall be effected without prejudice to the acquired rights of bordering property-owners and without prejudice to pending cases. Rights safeguarded.

**385.** The council may, by resolution, change the period during which the hour may be advanced in the city, by changing the dates as fixed by the referendum, held in 1924, so that they will agree with the period during which the hour is to be advanced by the city of Montreal. Daylight saving.

Such resolution shall be transmitted to the Provincial Secretary. Transmission of resolution.

**386.** The city is authorized to make, from time to time, a revision or consolidation of the whole or any part of all its municipal by-laws so as to unite them in one or more volumes, and, to that end, to repeal, amend or modify the same, but such repeal, amendments or modifications shall not be construed as affecting any matter or thing done or required to be done, or any resolutions, decisions, orders or other proceedings of the council, or any debentures, shares, bonds or notes issued, or any rolls of assessment, or apportionment, or the rights or duties of municipal officials, which shall continue to be regulated by the previous by-laws until the expiry of the term fixed. Consolidation of by-laws.

#### SECTION XXXIII

##### *General provisions respecting by-laws*

**387.** A quorum of the members of the council shall be sufficient for the passing of the first reading of a by-law. Quorum sufficient for 1st reading of by-law.

**388.** Every by-law shall be read twice by the council at a regular and separate meeting before being finally adopted and submitted to the Lieutenant-Governor in Council, and, after having passed its first reading, it shall be published in an English and in a French newspaper published in the city, and be followed by a notice indicating on what day it shall receive its second reading; and an interval of at least two clear days shall elapse between such notice and such second reading; provided that the by-law may be altered or amended at such second reading, if the council see fit, without the need of any other publication of the by-law before its final adoption, unless Passing of by-laws, etc.

the same be ordered by resolution of the council; and after passing its second reading the by-law shall be finally adopted and come into force.

Proof of by-laws, etc.

**389.** All copies, written or printed, of any by-law, rule or order of council, certified by the city clerk, produced before the Recorder's Court, or any court of justice, shall be held authentic until proof to the contrary.

Present by-laws, etc., continued.

**390.** All rules, regulations, by-laws or orders legally made by the said city council, or formerly legally made by the justices of the peace or any other competent authority, and now in force, shall continue to be in force in the said city, until they shall have been repealed.

Public acts.

**391.** The by-laws now in force in the city, or which may in future be in force within the limits of the city, shall be considered public acts, and knowledge shall be had of them by every court, judge and person whatsoever, without it being necessary to allege them specially.

Transmission to Lieut.-Governor.

**392.** A certified copy of every by-law adopted by the city council shall be transmitted by the city clerk to the Lieutenant-Governor, who, during the three months following, may disapprove of same, and such disapproval shall render such by-law null and void, in the same way that every by-law is null and void which is repugnant to any law of the Province; but if this disapproval of the Lieutenant-Governor shall not be signified to the city council, such by-law shall continue to have full force and effect, unless contrary to any law in force.

Prescription of right to demand rescinding of by-law, etc.

**393.** The right to demand the rescinding of a by-law passed by the city council is prescribed by three months from the date of its coming into force. This prescription also applies to the right to demand the setting aside of a resolution of the council.

Fines and imprisonment for infraction of by-law.

**394.** The council may, for the punishment of the infraction of any by-law, impose a fixed or variable fine or penalty, and imprisonment in default of payment, and leave it to the discretion of the court to determine the amount of such fine or penalty, the time of payment, and the term of imprisonment; the fine or penalty shall not in any case exceed one hundred dollars, and shall be sued for and recovered in the manner and form prescribed by the law regulating the Recorder's Court of the city; and

the imprisonment shall not be for a longer period than three calendar months, unless a different penalty or imprisonment be fixed by law.

**395.** The council may authorize any officer or constable of the police to enter any house, building, yard, premises or other locality whatsoever in the said city, to ascertain if any infringement of the laws or by-laws now in force or which may hereafter be passed by the council is being therein committed. Authorizing entry by police, etc.

**396.** All recognizances in penal matters, taken and received in virtue of this charter, shall hold good if taken before the Recorder's Court, the recorder, or a justice of the peace of the district of Quebec, and shall be subject, as to forfeiture before the said court, to all the proceedings required for the forfeiture of recognizances before courts of criminal jurisdiction. Recognizances.

**397.** All recognizances required in penal matters, in all cases when the fine or penalty sued for shall belong to the corporation, in case of the non-fulfilment of all and every the conditions mentioned in such recognizances, shall be given in favor of the corporation, and, in case of the forfeiture of such recognizances, the corporation may recover the amount thereof from the sureties jointly and severally, by action for debt before the Recorder's Court. Recognizances.

#### SECTION XXXIV

##### *Police Force*

**398.** Every man forming part of the police force shall be called a constable of police, and shall have all the powers and privileges attributed by law to constables, and shall be subject to the same responsibility in the exercise of the powers imposed upon him by this charter; and this provision shall apply to all officers of the said force. Police.

Before entering upon his functions, every officer or man of the said force shall make oath, before the Recorder's Court of the city, in the form of schedule "N" to this act, to fulfil well and faithfully the duties imposed upon him in his said capacity. Oath.

**399.** The constables of police shall keep watch, day and night, to maintain good order and the public peace; to enforce the observance of all laws, regulations, rules, by-laws and ordinances in force in the city, and to prevent misdemeanors and felonies in the city. Duties of police.

Extent of powers.

**400.** The powers of the police constables shall extend to the whole district of Quebec, but they cannot act outside of the limits of the city without the written authority of the mayor or an order of the Recorder's Court.

Engagement for one year.

**401.** The engagement of every police constable shall be deemed to be made for the period of one year and no more, but such engagement may be renewed with the consent of the administrative committee.

Appointment, etc.

**402.** All the members of the police force and all the members of the fire brigade shall be appointed and dismissed by the administrative committee.

Constable not to leave service during engagement.

**403.** No police constable shall withdraw from the said force before the expiration of his term of engagement (except in case he shall have been discharged), under pain of a fine not exceeding eighty dollars, or, in default of payment, of imprisonment for a period not exceeding three months.

Power of police to arrest on view.

**404.** Every police officer or constable, when in the execution of his duty, shall arrest on view any person contravening the charter of the city or a by-law of the city council, as well as any vagrant, idle, loitering, loose or disorderly person whom he may find disturbing the public peace or whom he has just reason to suspect of some evil design, as well as any person whom he finds lying or loitering in any field, street, yard, or other place whatsoever in the city, and not giving a satisfactory account of his presence in such field, street, yard, or other place.

Vagrant to be taken before Recorder's Court.

**405.** Every vagrant arrested on view shall be taken before the Recorder's Court, if the court be sitting, and, if the court be not sitting, such person shall be taken to the nearest police station, there to be detained until the next sitting of the court, unless such person gives the bail required by law.

Admission to bail.

**406.** Any person arrested on view for an offence against any Provincial law or against the by-laws of the city may be admitted to bail by a justice of the peace or by the sergeant, or other officer or peace officer then in charge of the police station, who shall accept as sureties only persons of known solvency for the appearance of the person so arrested before the said Recorder's Court, on the day named in the recognizance.

**407.** The amount of the recognizance in such case, as well as in the case of persons arrested under the provisions of this act, shall be forty dollars, and for the said recognizance there shall be exacted fifty cents, which shall be delivered to the clerk of the said court with the recognizance, and such fifty cents shall belong to the corporation. Amount of bail.

**408.** The provisions of article 394 shall apply to the infringements against the by-laws in force or which shall hereafter come into force in the city. Provisions applicable.

**409.** Each and every police constable shall have the right to enter and visit any house, building or ground, or any place or house of public entertainment, in order to ascertain whether any infringement of any act in force in the city, or of this charter, is being therein committed. Right of police to enter houses, etc.

**410.** Whoever shall abuse, threaten, assault, strike or resist any constable, or incite any person to assault, strike or resist such constable in the performance of the duties imposed upon him by this act or by any other act or by any by-law of the city in force or hereafter to be in force in the city; or Punishment of persons resisting police, etc.

shall violently deliver or carry off a prisoner, or in any way whatsoever cause or procure the escape of a prisoner in the custody of such constable; or Rescuing prisoner.

shall resist such constable in his visit and examination of any building, ground or place whatsoever in the city, or refuse him admission thereto or to any part thereof, in any case in which such constable is authorized by law or by by-law of the city to make such visit,— Resisting visit of constable.

shall incur, on conviction for each offence, a fine not exceeding fifty dollars, or imprisonment for a term not exceeding two months, or both fine and imprisonment together, in the discretion of the Recorder's Court. Penalty.

**411.** Every police constable, who is guilty of disobedience, insubordination, drunkenness, negligence, bad conduct, abuse of power, partiality or malfeasance in the performance of the duties imposed on him by law shall, upon conviction of such offence, before the Recorder's Court, incur a fine not exceeding forty dollars. Fine for constable guilty of disobedience, etc.

The administrative committee may, in addition, suspend or dismiss every such constable so guilty as aforesaid. Suspension, etc.

No police officer or constable so dismissed can afterwards serve in the police force. Effect of dismissal.

Special constables.

**412.** The city council may pass a resolution to determine and fix beforehand the salary to be paid to all special constables whom the mayor of the city is authorized by this charter to appoint and swear in, in cases of urgency, riots, tumultuous or illegal assemblies or other similar cases, to aid the police force of the city in preventing crime or for the maintenance of peace and good order in the city.

SECTION XXXV

*Streets and public roads and plan of the city*

Width of streets.

**413.** Every street which shall hereafter be opened within the limits of the city shall be at least sixty feet wide; and when a street already in existence is widened, it shall, after such widening, be at least forty feet wide.

Exception.

The city may, however, with the permission of the Lieutenant-Governor in Council, in special and exceptional cases, open streets of less than sixty feet wide.

Taking possession of ground encroached upon.

**414.** The corporation may retake possession, without payment of any indemnity, of the ground of any road, street, lane, market or other public place, upon which any person may have encroached.

City engineer, etc., to cause obstructions to be removed.

**415.** The city engineer and inspector or inspectors of roads shall visit the streets, roads, lanes, bridges, market-places, and other places, and generally all the property of the corporation, and cause all obstructions to be removed therefrom and also all encroachments, by the persons liable or interested therein, by giving such persons notice in writing, either by serving or causing it to be served upon them personally, or by leaving or causing to be left such notice at their domicile or place of business, in charge of a reasonable member of their family, or person in their employ, requiring them to remove and suppress the said obstructions and encroachments, within a reasonable time to be specified in such notice, and, in default of their doing so within the time to be so specified, the engineer or the said inspectors or any or either of them, shall cause such obstructions to be so removed and the said encroachments to be suppressed, at the cost and charges of such persons, which cost and charges may be recovered, by a suit for debt brought in the Recorder's Court in the name of the corporation, of and from such persons, together with the costs of such suit or action, and such persons shall further be liable to a penalty, not exceeding forty dollars, for non-compliance with such notice.

Notice.

Costs.

Fine.

**416.** The Superior Court of the district of Quebec may, <sup>Demolition of certain buildings.</sup> at the suit of the city, order the demolition, at the expense of the owner of the land, of all buildings that may be begun or erected contrary to the by-laws of the city.

No such suit may be instituted after six months from Suit. the completion of the work.

**417.** The sidewalks in all the streets of the city shall <sup>Sidewalks at charge of proprietors.</sup> be made, kept up and repaired by the proprietor of each immovable or property fronting on such sidewalk. If such proprietor neglects to make, keep up, repair or renew such sidewalks, as the case may be, the chief of police shall give him notice in writing to do what is necessary to such sidewalks. This notice shall be addressed <sup>Notice.</sup> to or left at the domicile of such proprietor, if he is a resident of the city, or at the house of the occupant of the said immovable, if the proprietor does not reside in the city; if the immovable has no occupant, then the notice is not necessary.

If, within eight days following the notice, the works <sup>Penalty for non-compliance.</sup> required to be done to the said sidewalks have not been done, then such works shall be done by the corporation, which may compel the proprietor to reimburse the cost thereof. This sum is recoverable as a tax, and in the same manner, and with the same privileges as all other taxes imposed upon real estate in the city; but the proprietor, except in cases of express agreement to the contrary, has no right to oblige his tenant to reimburse him any portion whatever of the same.

**418.** The curb-stone of every sidewalk in the city <sup>Curb-stone of sidewalk forms part of sidewalk, etc.</sup> forms part of the said sidewalk; and the council may, by resolution to that effect, decree and indicate the streets in which such curb-stone shall be of stone, irrespective of the composition of the sidewalk in such streets, and after such resolution the city engineer may, at any time, require that such curb-stone be laid in stone, the cost being divided between the city and the proprietors, as for the sidewalk itself.

**419.** Every proprietor who shall so neglect to make, <sup>Delay to make, etc., sidewalks.</sup> renew, maintain or repair such sidewalks, as the case may be, within eight days from the receipt of such notice, shall be also liable to a fine not exceeding forty dollars, and, in default of the payment of the fine and costs, <sup>Penalty.</sup> to an imprisonment not exceeding eight days. After such first condemnation, a similar fine may also be imposed

upon the person so in default for every day he shall neglect to do what he is obliged by law to do as aforesaid.

Contribution of the city for construction of permanent sidewalks.

**420.** If the proprietor of land who is bound to make a sidewalk in any street of the city offers the latter to make the sidewalk in stone, in asphalt blocks, in asphalt or in cement, the whole upon a concrete foundation at least four inches thick, in such case, if the city engineer has authorized and accepted the same, the city shall repay to the said proprietor one-half of the cost or of the value of the said work; provided, however, that the city shall in no case be called upon to pay more than one dollar and thirteen cents per square yard for its share of the cost or value.

Making of sidewalks by city.

**421.** Without prejudice to the provisions of the law respecting the making and repairing of sidewalks of the city, the city may, with the consent of three-fourths of the proprietors of lots on a street or part of a street in the city, make a sidewalk with uniform materials of the said kind on such street or part of street.

Sidewalk on both sides.

**422.** The said sidewalk may be made on both sides of the said street or one side only, according to the consent of the three-fourths of the proprietors of lots on the one or other side of the street.

Consent of owners, how given.

**423.** The said consent shall be given by a written document signed by three-fourths of the said owners, and shall be deposited in the office of the city clerk and be submitted for the approval of the city council.

Materials for sidewalks, etc.

**424.** The council shall thereupon, by resolution, determine what materials shall be used in making the sidewalks; and, after the passing of such resolution, the city engineer shall call for tenders for making such sidewalks in the same manner as tenders are called for for paving streets.

Issue of bonds to pay for sidewalks.

**425.** To pay the cost of such works, the city may, and as the same may be necessary, issue and sell bonds in the manner set forth in articles 330 and 331, the proceeds of the bonds to be exclusively devoted to paying the cost of such works.

Repayment of half of cost to city.

**426.** The owner of land liable for the cost of the sidewalk shall repay to the city, on demand, one-half of the cost, in default whereof the amount so due may be

recovered by suit before the Recorder's Court. Such claim shall have the same privilege as municipal assessments and taxes. Privilege.

**427.** All amounts repaid to the city by the owners for their half of the cost of the sidewalks shall be placed in the sinking-fund established for the payment of the bonds at maturity. Application of sums paid.

**428.** When the city lays a permanent pavement in a street or portion of a street, it may, at the same time, also make a uniform sidewalk of materials considered permanent, and have itself reimbursed one-half of the cost of such sidewalk by the proprietors of the buildings or lots in front of which such sidewalk is made. Making of uniform sidewalks, etc.

The amount recoverable for such purpose shall be a privileged claim like the assessments and taxes due the city and be recovered from the debtor by suit before the Recorder's Court. Claim for reimbursement privileged.

**429.** When a street in the city runs along a lot situate in an adjoining municipality, the proprietor or occupant of such lot shall remove the snow from the half of the street on his side and shall make a sidewalk thereon in the same manner as persons are bound to do whose lots are situate in the city. Removal of snow on certain streets, etc.

**430.** With regard to the building of sidewalks by the bordering property-owners on the west side of Belvédère road, between St. Cyrille street and St. Louis road, the city cannot exact such building of sidewalks on that side and cannot build them itself, unless the majority of the bordering property-owners on that side apply to it therefor. Sidewalks on west side of Belvédère road.

**431.** The city may, on a resolution of the city council to that effect, make a sidewalk, wholly or partly of such materials as it may consider of a permanent nature, even when it does not pave the roadway, and it may then cause one-half the cost of such work to be refunded to it by the proprietors of the buildings or lots along which the sidewalk is so made. Making of sidewalks, etc.

**432.** Any person desirous of building, reconstructing, demolishing, or repairing any house, building, enclosure, or wall on any street, road, lane, or public place, shall give notice to the city engineer of the time when such work will be commenced and finished, and obtain, from Persons intending to build, etc., to give notice to city engineer,

before  
placing ma-  
terials on  
streets.

him or some other person duly authorized, a permit stating the width, upon any such street, road, lane, or public place, such person may occupy for placing building material or rubbish thereon, and such width shall not exceed one-third of the said street, road, lane, or public place, and shall be enclosed, by the person so building, reconstructing, demolishing or repairing, by a wooden fence of at least ten feet high; any person violating any of these provisions shall be liable to a penalty not exceeding forty dollars.

Fine for con-  
travention.

Fee for per-  
mit.

**433.** The said corporation may charge a fee for such permit to the person to whom it shall be given.

Extension of  
galleries,  
etc.

**434.** No gallery, window, portico, staircase, sign, or other obstruction shall extend or project from any house or building into or beyond the line of any street, lane, road or public place in the said city, otherwise than in such manner as may be prescribed and permitted by the by-laws of the council.

Power to  
allow rail-  
way, etc., to  
place rails  
on streets.

**435.** The city shall have power to grant to railway and street railway companies, making use of electricity, or other motive power, permission to make use of the streets for the purpose of laying their rails.

Proceedings  
by council  
for that pur-  
pose, etc.

**436.** The city council shall first determine by resolution all the conditions on which it intends to grant such permission; and, when the city and the said company shall agree upon all the conditions, a by-law shall be made and passed by the council comprising all the conditions of such permission, the said by-law to come into force only after the passing of a notarial contract between the parties, based on the said by-law and in conformity therewith.

Winter  
roads.

**437.** From the first day of November until the first day of May in each year, the proprietors or occupants of houses, lots or vacant spaces of ground in the city shall keep in repair and good condition the roads and streets whereby their property is bounded on every side, conformably to the regulations which may be in force.

Description  
of streets,  
etc.

**438.** It shall be the duty of the city engineer to cause such of the streets, lanes, highways and public squares or any part thereof, as have been acquired by the city or have been open for public use for ten years, and not heretofore recorded, or sufficiently described, to be described and recorded in a book or register, to be kept exclusively

for such purpose; and such streets, lanes, highways and squares, when entered of record, shall be deemed to be public highways.

**439.** The provisions of article 438 shall apply with the same effect to territories annexed. Provisions applicable.

**440.** All the streets and highways which may be indicated and projected upon any plans or maps of the city, that may hereafter be duly confirmed by the Superior Court, or any judge thereof, shall likewise be deemed to be public highways and shall also be recorded in the said register. Public highways.

**441.** The council may by resolution order the construction of drains in a private street or lane when the public health requires the same, and allot the cost thereof as if such work had been done in the public streets of the city. Construction of drains in private street, etc.

**442.** The council may instruct the city engineer, after the coming into force of this charter, to lay out, indicate, and project upon proper plans or maps, all the streets, highways, places and squares of the city, with their actual limits and dimensions, within the whole extent of the limits of the city, and this shall be done for each ward, separately, but in such manner that the plans or maps of the different wards of the city shall correspond to each other, and form, when completed and confirmed by the Superior Court, as hereinafter provided, one plan, which shall be known as "The General Plan of the City of Quebec", provided however that this article applies only to continuations of the city plans as homologated and now in force. Indication of streets, etc. on map.

**443.** When the said map or plan shall be completed, the city engineer shall submit the same to the council, and if the said plan or map shall be approved by the absolute majority of the members of the council, the city attorney shall thereupon apply, by summary petition, to the Superior Court or any of the judges thereof, for the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which the said petition shall be so presented, in two newspapers, one of which must be published in the French language, and one in the English language, in the city, provided that the said notice shall have at least two insertions in each of the said Submission of map to council, etc.

newspapers, and that at least twenty days shall elapse between the date of the last insertion of the notice and that of the presentation of the petition.

Modifica-  
tion, etc.,  
must be ap-  
proved.

**444.** No modification or addition to any judicially confirmed plan or map of the city shall have any effect unless the same shall be approved by the absolute majority of the members of the whole council, at a meeting thereof, and thereupon, the Superior Court, or any one of the judges thereof, may, upon the petition of the city, of which public notice shall be given in the manner indicated in article 443, order that the said general plan of the city be modified, or added to accordingly.

Deposit of  
certified  
copy, etc.

**445.** A copy of the general plan of the city, certified by the city engineer, shall be deposited in the office of the prothonotary of the Superior Court, for the district of Quebec, in the office of the city clerk and in each of the registry offices of the city; and copies of all modifications or alterations of, or additions to the said plan or map shall be certified and deposited in the same manner; and the said copies of the general plan of the city, and all modifications, alterations, or additions thereto, shall be certified by the prothonotary of the said Superior Court in the following words: "Confirmed by the Superior Court, on the                      day of                     ".

Improve-  
ments not  
obligatory.

**446.** The city shall not hereafter be obliged, by reason of the confirmation of any plan or map of the city, or any modification thereof, or addition thereto, to carry into effect any improvements projected or indicated thereby, unless the council shall so decide, in conformity with the provisions of this charter; nor shall the city hereafter be liable for any indemnity or damages whatever by reason merely of the confirmation of such plan, or any alteration or modification thereof, or addition thereto.

No liability  
for damages.

**447.** The city shall not be liable for any indemnity or damages claimed with respect to any building constructed, or improvements, leases or contracts made upon any land or property after the confirmation of any plan or map, or of any modification or alteration of, or addition thereto.

Opening,  
etc., of  
street, etc.

**448.** The city may open, widen and extend any street, lane, thoroughfare or public place, according to any plans prepared or which may be prepared by the city engineers and approved by the council, without such plans forming part of the general plan of the city.

The said plans may be incorporated in the general plan of the city without it being necessary to obtain the authorization of the council required by article 444. Incorporation of plans.

**449.** Whenever the city lays out and homologates a line through vacant lots, the owners of such lots shall not pay any general or special taxes or assessments on the portion of such lots reserved for public or municipal purposes, although the city has not taken possession thereof. This provision shall also apply to vacant lots in connection with which lines have already been laid out and homologated on the plan of the city. No tax on portion of vacant lots, homologated.

**450.** The homologation of Brown Avenue, enacted by by-law number 75-B, is declared valid and legal for all legal purposes, and all previous homologations of the said avenue are hereby declared null and void. Homologation validated.

**451.** The homologation of Park Avenue, as to the northern portion, between St. Cyrille and Cremazie streets, insofar as it affects subdivisions 70 to 76, inclusively, of the lot number 98 of the official cadastre of the parish of Notre-Dame de Quebec (*banlieue*) is cancelled and declared null and void for all intents and purposes. Idem.

**452.** When the proprietors of immovable property on any lane desire a sewer, sidewalk, pavement or stone curbing, or when the property-owners in any locality desire the opening, widening, extension, or diversion of any lane, application shall be made to the city engineer for a form of petition to the council to that effect. When such petition is signed by two-thirds in number of the property-owners representing more than one-half the value of the property to be benefitted by the work or improvement, the council may proceed therewith and assess the cost against the properties benefitted. Application to have sewer, etc., by petition. Signatures.

If the signatures of two-thirds in number of the property-owners representing more than one-half in value of the property cannot be obtained, the petition may nevertheless be presented to the council, and if the latter, on the recommendation of the city engineer, finds the work is necessary and in the public interest, it may direct that it be proceeded with, unless a majority of the property-owners interested, representing more than one-half the value of the property to be assessed, petition against the same within a month after the council has given notice of its intention to proceed with such work. Authorization by council, in certain case.

Notwithstanding any petition to the contrary, the coun- Work orde-

- red to be done. cil, if it deems the same necessary in the public interest, may, by a three-fourths vote of its members, order the work to be done and assess the cost thereof upon the properties benefitted.
- Acquisitions. **453.** The city is authorized, upon a by-law or resolution of its council, to acquire by mutual agreement any immoveable on which buildings are erected between the old line and the new homologated line of any street already partially widened.
- Amount. The amount to be paid for the acquisition of such immoveables shall in no case exceed the municipal valuation as shown on the assessment roll then in force, plus twenty per cent.
- Names of streets. **454.** The council is hereby empowered to assign names to the streets, highways and squares of the city, but if any change be made by the council in the name of any street, highway or square, the city engineer shall report such change without delay to the registrar of the registry office in the city.
- Notice of changes, etc. Notice of homologation and of all changes in the plan of the city and of all changes of streets shall be given in the same way as for the passing of a by-law.
- Maintenance of Avenue des Braves during winter. **455.** The city is authorized, upon agreement with the National Battlefields Commission, to maintain during the winter the Avenue des Braves, in conformity with the laws and by-laws in force for the other streets in Montcalm Ward.
- Construction and maintenance of certain lanes, etc. The city shall construct, at its own cost, and maintain in rear of the lots on Avenue des Braves, and parallel with the latter, a road or lane, as follows: Section A, on the west side of the Avenue from St. Louis Road to St. Cyrille Street; Section B, on the west side of the Avenue from St. Cyrille Street to Ste. Foye Road; Section C, on the east side of the Avenue from St. Cyrille Street to Marquette Street; Section D, on the east side of the Avenue from Marquette Street to Ste. Foye Road; provided the necessary land be given to it free.
- Proviso.
- Permanent or temporary road. When the land for one or other of these sections has been granted, the city shall be obliged to construct at once a permanent or temporary road as hereinafter provided for: (a) the construction shall be of a permanent nature in sections A and B when there shall be constructed or under construction at least five houses therein, and in sections C and D when there shall be constructed or under construction

at least three houses in each said section; (b) the construction may be of a temporary nature in the section or sections where the number of houses shall not have attained the above-mentioned number.

The permanent lanes shall be constructed on the width of land given for this purpose, be on the same level as that of the Avenue des Braves, be constructed and paved in a first class manner, and be of a width of not more than twenty feet and not less than fourteen feet according to the land supplied.

Permanent lanes.

#### SECTION XXXVI

#### *Expropriation for public improvements*

**456.** The council shall have full power and authority to provide by by-law for the opening, extending or widening of streets, public highways, places or squares, or the construction of public buildings, and to order at the same time that such improvement shall be made out of the city funds, or that the cost thereof shall be assessed in whole or in part upon the pieces or parcels of land belonging to parties interested in, or benefitted by, the said improvement, and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the city, either by private agreement or amicable arrangement between the corporation and the proprietors or other persons interested, or by complying with all the formalities hereinafter prescribed for opening streets, public squares, markets, or other public places, or for continuing, enlarging, or improving the same, or a portion of the same, or as a site for any public building to be erected by the council.

By-law authorizing public improvement, at whose cost.

Taking land for such improvement.

**457.** The construction of public municipal buildings may be decided and ordered by resolution of the city council.

Construction of municipal buildings.

**458.** All corporations or bodies, and all husbands, tutors, guardians, curators, *grevés de substitution*, or trustees who are or shall be seized or possessed of, or interested in, any piece or pieces, lot or lots, of ground or real property within the city, selected and fixed upon by the said council for any of the purposes aforesaid, may, not only for themselves, but for and on behalf of all persons whom they represent, or for whom, or in trust for whom they are, or shall be, seized, possessed or interested, whether

Certain parties enabled to convey to corporation.

minors, issue unborn, lunatics, idiots, women under marital authority, or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property to the corporation; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding; and all corporations and persons whatever so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect to such sale or cession which he, she, or they shall respectively make by virtue of, or in pursuance of this charter, without, however, diminishing, in any manner whatever, the responsibility of such corporations and persons towards those whom they represent, as regards the purchase money or compensation of such sales or conveyances.

In case the party and the council cannot agree upon compensation to be paid.

**459.** In case the council of the city, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property, or any part of such lots of ground or real property, within the limits of the city, cannot come to an amicable arrangement with the persons seized or possessed of, under any title whatsoever, or interested in, the said lots of ground or real property, or any part thereof, or who may be absent or unknown, as regards the price or compensation to be paid for the said lots of ground or real property, or any part thereof (the corporation, however, shall not be bound to take any step or proceeding towards securing such amicable arrangement), such price or compensation shall be fixed and determined in the manner set forth in the following articles.

When city cannot agree upon:

**460.** Whenever the city cannot come to an understanding with the vendor or person entitled to compensation:

Price of immoveable;

1. Upon the price of an immoveable or portion of an immoveable or a servitude which the city wishes to acquire, either in connection with the waterworks or for the widening, opening or extension of the streets, or as a lot for some municipal building, or the establishing of public parks or squares, or for acquiring an active servitude, right of way, opening a drain or introducing pipes;

Price of servitude;

2. Upon the price of a servitude upon any immoveable, situate within or without the limits of the city;

Damages for change of level of sidewalk;

3. Upon the amount of damages caused by changing the level of a sidewalk within the city;

4. Finally, upon any object whatsoever connected with public improvements, and within the powers of the council;— Public improvements, generally.

In such case, the city engineer shall deposit in the office of the city clerk a certificate showing the amount of the price or compensation which he thinks should be allowed the vendor or the person entitled to such compensation on account of such immoveable or portion of immoveable or of any servitude and expropriation whatsoever as above mentioned. Deposit of certificate as to compensation.

**461.** The amount mentioned in such certificate is then tendered by notarial deed to the said vendor or the person entitled to such compensation. Amount tendered.

**462.** If the offer be not accepted, a copy of the deed of tender is deposited in the office of the city clerk, and the city then applies by petition to the Superior Court, sitting at Quebec, or to a judge thereof, for the president of the Quebec Public Service Commission to inspect the place and establish the price or amount of the compensation to be allowed and to report within a delay fixed. If offer not accepted.

A notice of the petition shall be served, at least three clear days before it is presented, upon the person to whom the tender has been made. Notice of petition.

**463.** If the person entitled to such price or compensation has no domicile in the city, the offers may be made to his agent or attorney, managing such property; in such case, notice of the petition may be served at the domicile of such agent or attorney. In case of person domiciled outside the city.

**464.** As soon as the petition is presented, the city may deposit in the office of the Superior Court the amount of such legal tender and, after such deposit, the city may take possession of any such immoveable or part of an immoveable mentioned in the petition, and exercise the powers conferred upon it by law as if the compensation had been finally determined and paid. Deposit of amount of tender, etc.

**465.** Articles 396, 397, 398, 399, 400, 401, 402, 403, 406 and 408 of the Code of Civil Procedure apply to references to experts under this charter. Provisions applicable.

**466.** Immediately after the matter has been referred to the president of the Quebec Public Service Commission, it shall be the duty of the city engineer to furnish Furnishing of plans.

him with a plan or map showing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated.

Power of president to hear witnesses.

**467.** The president may hear the witnesses produced before him, by the parties, and at their expense, and also the parties if he deems it advisable.

Witnesses may be sworn; depositions.

Such witnesses and the parties may be sworn by the president; the examination shall be *viva voce*, or the depositions shall be taken down in writing upon the request of either party.

When report to be made; how signed.

**468.** The president's report shall be made on or before the day fixed by the court or judge; it shall be signed by him.

Statement of costs.

A statement of the costs must accompany the report.

Homologation of report after notice.

**469.** As soon as the president's report is filed in the office of the said court, the city or the parties interested may, after three days' notice to the parties interested, apply to such court or to a judge thereof for homologation of the report to all intents and purposes; and the court or judge, as the case may be, after ascertaining that the proceedings and formalities, above prescribed, have been duly followed, confirms and homologates the report, which, as regards the parties concerned, is final and not subject to appeal.

Costs if award does or does not exceed offer.

**470.** If the amount awarded by the president does not exceed the amount tendered, the party expropriated may be condemned to pay all the costs of the expropriation; in the contrary case, such costs may be given against the city.

Amount to be deposited by city.

**471.** If the amount deposited in the prothonotary's office by the city is less than that awarded by the president, the city shall, within eight days from the homologation of the report, deposit the difference in the said office.

Certificate by prothonotary upon deposit of money.

**472.** As soon as the deposit is made after the homologation of the president's report, the prothonotary delivers to the city a certificate (*acte*) of such deposit with the description of the immoveable expropriated, and such certificate (*acte*) of deposit constitutes a legal title in favor of the city to the ownership of such immoveable, and is registered accordingly.

**473.** The said expropriation has the same effect as a judicial sale, as well as in the cases where the compensation is established by mutual agreement. Effect of expropriation.

If the city council deem it advisable, it may expropriate the whole or a portion only of the immovable. Expropriation of whole or part.

**474.** Whenever only a part of an immovable is expropriated which would be reduced to less than forty feet in depth by such expropriation, the owner of the same may exact that the city acquire the whole of his lot or lots. When only part is expropriated.

**475.** No indemnity, damages or compensation shall be paid to tenants of any land or building, required in whole or in part for expropriation purposes, beyond an amount which shall not exceed the rent for the remainder of the current year and the amount of one other year's rent of the premises occupied by them; and then only in cases where the lease is for one or more years beyond the year current at the time of the adoption by the council of the by-law for such expropriation. Indemnity, etc., to tenants.

**476.** The president may award the value of such repairs and fittings as may have been made by a tenant prior to the passing by the council of the by-law concerning the expropriation, provided that the same are not included in the valuation of the building. Award by president.

**477.** No indemnity shall be allowed, in any event, to tenants whose leases shall have been made or who shall have taken possession of the premises subsequent to the by-law of the council for the said expropriation. No indemnity to certain tenants.

**478.** After delivering such certificate of deposit, the prothonotary must, at the request of any party interested, and at the expense of such party, obtain a registrar's certificate in connection with the said immovable; he shall also publish, during two consecutive weeks, in the *Quebec Official Gazette*, and twice in an English and in a French newspaper, published in the city, a notice of such deposit, ordering the fying, within eight days from the final publication of the notice, of all oppositions for payment. Registrar's certificate to be obtained by prothonotary. Notice.

**479.** After the expiration of the delay for fying the oppositions, the prothonotary draws up a report of distribution of the amount of the deposit as in ordinary cases before the court. Nevertheless, the amount of the deposit is not liable to any tax, commission or impost whatsoever, save as to the costs adjudged or taxed in favour of an interested party, or incident to the proceedings. Report of distribution.

Acquisition of land, etc., for works beyond limits of city.

Proviso.

**480.** The corporation of the city may open, continue or widen any streets or highways, and establish public parks or squares, beyond the limits of the city, and acquire any piece or parcel of land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by this charter, for similar improvements within the limits of the city; provided, always, that before exercising any of the powers conferred upon it by the present article, the said corporation shall obtain the consent of the municipality within the limits of which such powers are to be exercised, and such last mentioned municipality is hereby empowered to exempt from any tax or assessment, if it sees fit so to do, the public parks, squares or public places to be opened or established as aforesaid.

Corporations whose property is taken may acquire other property.

**481.** Corporations, ecclesiastical or civil, whose property or any part of whose property shall be conveyed to, or taken by the city, under the authority of this charter, may invest the price or compensation, paid for the property so conveyed or taken, in other real property in any part of this Province.

Who shall be deemed absent.

**482.** Every person without a domicile or place of business within the limits of the city shall be deemed to be absent, within the meaning of the foregoing articles.

Service by bailiffs.

**483.** Any bailiff of the Superior Court for the district of Quebec may serve and post up the notifications required by this charter, and make a return thereof under his oath of office.

Building free bridges.

**484.** The city is authorized to build one or more free bridges over the river St. Charles to connect Limoilou ward and the parish of Notre-Dame-des-Anges with the other wards and to borrow for such purpose.

Subscriptions to help build same.

It may also subscribe in favor of any person, firm or company a certain amount to aid in building the said bridge or bridges.

Expropriation therefor.

The city may expropriate any land required for such purpose, in accordance with the provisions of its charter.

Bridges subject to laws, etc., of city.

**485.** All bridges situated within the city limits and their approaches form part of the streets and the roads of the city for all purposes whatsoever, and shall be subject to its laws and by-laws.

City authorized to pay propor-

**486.** If it is decided by the Railway Commission, that tunnels are to be built in the Beauport road and Bell's

road, the city is authorized to pay its proportion of the construction of such tunnels as determined by the Commission, and to borrow the money necessary for such purposes. tion of construction of tunnels.

**487.** The city is authorized to repay to the Government of the Province of Quebec, which has undertaken the rebuilding of Scott Bridge, after completion of the construction work, a sum equivalent to three-fifths of the amount expended for the said rebuilding, upon the demand in writing of the Minister of Public Works and Labour. The city is consequently empowered to borrow the sum necessary for that purpose by means of an issue of bonds or debentures repayable within thirty years. City authorized to pay proportion for construction of Scott Bridge.

**488.** The purchase by the city from the St. Charles Cemetery Company of a strip of land of about fourteen thousand two hundred and ten square feet for the widening of the road leading from St. Vallier street to Scott bridge, is ratified for all legal purposes. Purchase ratified.

**489.** The city is authorized to insure the lives of all the permanent officials and employees of the city while they are in its employ or if their are superannuated with the city's authorization, either by establishing an insurance fund to that effect or by guaranteeing the amount of the premiums exacted from the employees by the insurance companies or by itself paying the premiums exacted by the insurance companies. City authorized to insure lives of permanent employees.

The city is authorized to create itself an insurance fund and to include, every year, in the budget, the amount required for such purpose. Insurance fund.

In the event of the city deciding to guarantee the premiums exacted from the employees by the insurance companies, it may charge to its employees, each year, the whole or any portion of the cost of the premium exacted by the said companies, and, in the event of the city deciding to itself pay the premiums of the employees, under a group insurance, it may charge to its employees a portion of the premium exacted according to the law respecting the said kind of insurance. Charges to employees to guarantee premiums.

#### SECTION XXXVII

##### *The city waterworks*

**490.** The corporation of the city is authorized to make, erect, construct, repair and maintain, in the city of Quebec, and without the limits of the city for a dis- Corporation may construct wa-

terworks,  
etc.

tance of fifty miles, waterworks, together with all appurtenances and accessories necessary to introduce, convey and conduct throughout the city and parts adjacent a sufficient quantity of good and wholesome water, which the corporation is authorized by this charter to take and distribute for the use and supply of the inhabitants of the city and for the parts thereto adjacent; and also to improve, alter or remove the said waterworks or any part or parts thereof; and to change the site of the several engines and places or sources of supply thereof; and also to erect, construct, repair and maintain all the buildings, houses, sheds, engines, water-houses, reservoirs, cisterns, ponds and basins of water, and other works necessary and expedient to convey water to the city and parts adjacent thereto:—for this purpose the corporation may purchase, hold and acquire any lands, tenements and immoveable estates, servitudes, usufructs and hereditaments in the city, or within a circuit of fifty miles from the limits of the city; and also to make contracts for the acquisition of lands necessary for the said waterworks; acquire a right of way whenever it may be necessary; pay any damages occasioned by such works either to buildings or lands; enter into and make agreements and contracts with any person for the construction of the said waterworks in whole or in part; superintend and direct the works completed; name and appoint an engineer and all officers and laborers necessary, and fix their salaries or wages; enter during the daytime, upon the lands of private individuals for the purposes aforesaid, and also make excavations and take and remove stones, soil, rubbish, trees, roots, sand, gravel and other materials and things, but by paying or offering a reasonable compensation for the said materials and things, and by conforming in all things with the provisions of this section.

Permission to persons, etc., to establish waterworks.

**491.** All persons, companies, or corporations are forbidden to establish an intake for public waterworks without the permission of the Quebec Public Service Commission, above the dam for the city waterworks on the river St. Charles, on Lake St. Charles and on their tributaries.

Parties enabled to convey to corporation for waterworks.

**492.** All bodies politic or corporate, or collegiate, corporations, aggregate or sole, communities, husbands, tutors or guardians, curators, *grevés de substitutions*, executors, administrators and other trustees or persons whatsoever, are authorized to sell to the corporation such immoveable property, servitudes, usufructs and hereditaments, which the corporation may require for the

purpose of the present section, and which they may be possessed of in their said qualities; they may also agree with the corporation in the same way as private individuals, respecting all matters relative to the works mentioned in articles 494 and 495; and all contracts, agreements, references to arbitrators, sentences and verdicts, rendered for or against them, shall be equally binding upon those whom they represent, wherever the property or interests of same may be concerned.

**493.** The Governor-in-Council may grant or give to the corporation, on such conditions as he may deem expedient, beach lots or ground covered by water, to enable the said corporation more fully to carry this section into effect. Governor may grant beach lots, etc.

**494.** The corporation shall have power to dig, break up and remove the soil, fences, sewers, drains, pavements, gravelled ways, of any public highways, roads, streets, squares, hills, market places, lanes, open areas, alleys, yards, courts, waste grounds, footways, quays, bridges, gates, tollgates, enclosures, ditches, walls, boundaries, and other passages and places, but making or causing no unnecessary damage, and to enter upon and make use of any private lands, and to dig and sink branches, and lay and drive pipes, appurtenances and accessories thereof, and to widen common passages for the laying and fixing of pipes and all such matters and things as may be necessary thereto, and necessary to convey the water to houses, or other buildings, and also to alter, repair, replace and maintain such pipes, and other materials, and works, and finally make and do any other act as shall or may be necessary or expedient for the purposes of the present section. Power to open the ground on roads. Laying pipes, etc. General powers.

**495.** It shall be lawful for the corporation to pass pipes along the outside of any house or other building, to furnish water to any other property, and open and unpave common passages, and make trenches to lay pipes and other appurtenances and accessories, and in such case it shall indemnify the proprietors for any damage occasioned to or sustained by them. Passing pipes along buildings, etc.

**496.** Whoever, having the right to do so, shall open or cause to be opened any trench, shall take care to preserve a free and uninterrupted passage through the street or place, while the works are in progress, and shall fill up the Free passage along roads, etc., to be preserved.

trenches and replace the pavement and ground in the same condition as that in which they were before the works were begun, and without unnecessary delay; and shall cause the place where the ground shall be opened, or broken up as aforesaid, to be fenced or guarded with lamps, or with watchmen during the night, so that the same may not be dangerous to passers-by, upon pain of a fine or penalty of twenty dollars, to be recovered before the Recorder's Court, by summary process and upon oath of one credible witness; this fine shall not deprive any person injured by reason of the said excavation of a right to an action of damages against the corporation.

Penalty.

Action in damages.

Location of works.

**497.** The said waterworks and the accessories thereof shall be so located and maintained as in nowise to endanger the public health or safety.

Penalty for using water without authorization.

**498.** Whoever, not having any right thereto and without the authority or permission of the council, shall take or use, in any manner whatsoever, water from the said waterworks, shall incur, on conviction for the said offence before the Recorder's Court of the city, a fine not exceeding one hundred dollars, and, in default of payment of the fine with costs, shall be imprisoned and kept at hard labor in the common gaol of the district of Quebec, for a period not exceeding three months, unless the fine, costs of prosecution and of imprisonment, be sooner paid.

Penalty for bathing, etc., in water in reservoirs, etc.

**499.** If any person shall bathe within a radius of seven miles above the present intake of the waterworks, or wash, or cleanse anything in any of the reservoirs, cisterns, ponds, lakes, basins or fountains from whence the water to supply the city is obtained, or shall throw or put any filth, dead carcass, or other noisome or offensive thing therein, or cause, or permit the water of any sink, sewer, or drain, to run or be conveyed into the same, or cause any other annoyance or derangement to be done to the said water, such person shall be liable for each offence to a fine not exceeding one hundred dollars, of which one-half shall belong to the corporation, and the other half to the informer, which said fine shall be levied in the manner prescribed by article 498; if the said Recorder's Court, before which shall be brought any complaint for the commission of any of the offences above mentioned, shall deem it expedient, the offender may be condemned, in addition to the fine or fines above mentioned, to an imprisonment not exceeding three months in the common gaol of the district of Quebec.

Imprisonment in addition.

**500.** It is forbidden:

- 1. To float timber on lake St. Charles and the river St. Charles above the dam constructed by the city on the said river, in the parish of St. Ambroise de la Jeune Lorette, for the purposes of its waterworks; Floating of timber forbidden on certain rivers, etc.
- 2. To float timber on the river Jaune from the Pelletier mill, near the bridge leading to Stoneham, to the river St. Charles;

And any person, firm, company or corporation violating any of the provisions of this act shall be liable to a penalty for each day of such violation of not less than five hundred dollars and not more than one thousand dollars and to imprisonment for not less than three months and not more than twelve months. Penalty.

**501.** It is forbidden to erect any building on the banks of the river St. Charles above the intake of the city waterworks, or on the shore of lake St. Charles and on the shore of Rivière Jaune, the sewerage from which might fall into the said river or lake St. Charles. Erection of certain buildings on river St. Charles, etc., forbidden.

**502.** All persons whosoever are forbidden to make winter roads on the ice of lake St. Charles and of the river St. Charles above the intake of the city waterworks; nevertheless, riparian owners through whose properties the river St. Charles runs may make winter roads across the ice for their personal needs. Winter roads forbidden on lake and river St. Charles.

**503.** All persons whosoever, other than the riparian owners, who shall not be affected by this act, are forbidden to use canoes, boats or other vessels for navigating on the river St. Charles above the dam of the city waterworks in the parish of St. Ambroise de la Jeune Lorette; and every person infringing this provision shall be liable to a fine not exceeding one hundred dollars, and, in default of payment of such fine and costs, to imprisonment for not more than three months. Navigation in River St. Charles above waterworks dam forbidden.

Nevertheless the right to use canoes, boats or other vessels as mentioned above does not include motor boats, the running of which is forbidden on the lake and river St. Charles under pain of the fine enacted above, if the Quebec Bureau of Health so order. Exception.

The following persons shall be deemed riparian owners within the meaning of this article: Riparian owners defined.

- a. Any person who was the owner, or occupant as tenant or usufructuary, on the 15th of December, 1915, of a lot of

land fronting on the said river St. Charles above the waterworks dam of the city;

*b.* Any person who may be the owner or occupant as tenant or usufructuary, after the 15th of December, 1915, of a lot of land fronting on the said river St. Charles above the waterworks dam of the city, and on which lot a dwelling-house, chalet or cottage of the value of two hundred dollars or over, is or may be erected;

*c.* The members of the family of such owner or occupant who live with him.

Guests to have same rights as owners.

The guests of such riparian owner making use of the latter's boats and under his responsibility shall have the same rights as himself.

Vacant lots not built upon after certain delay.

Twelve months from the date of his acquisition or occupation of a vacant lot fronting on the river St. Charles, above the waterworks dam of the city, the owner or occupant as usufructuary mentioned in sub-paragraph *b* shall have no rights, as riparian owner, so long as no dwelling-house, chalet or cottage of the value of two hundred dollars or over is erected on the said lot.

Tenants.

The tenant mentioned in sub-paragraph *b* shall be a riparian owner, within the meaning of this article, only during such time as he lives on the said lot fronting on the river St. Charles, above the dam of the city, in a dwelling-house, chalet or cottage of the value of two hundred dollars or over.

Interpretation of this article.

One and the same lot fronting on the river St. Charles above the waterworks dam of the city, acquired or possessed after the 15th of December, 1915, by more than two persons, except through succession, shall not confer any title upon its owners or possessors within the meaning of this article.

Forbidden to throw, etc., saw-dust.

**504.** Every person operating a saw-mill on the river St. Charles, between lake St. Charles and the city waterworks dam, in the parish of St. Ambroise, or on any tributary of the river St. Charles or of the lake St. Charles, is forbidden to throw saw-dust from such mill into or to allow the same to be carried away by the said river or tributary or by the water of the said lake, under penalty of the fine imposed by article 503, which fine shall likewise be recoverable before the Recorder's Court of the city in the manner provided by law.

Penalty.

Penalty to person who soils, etc. waters.

**505.** Every person who knowingly and voluntarily soils or contaminates, in any manner whatever, the water of a spring, stream, lake, pond, or river which feeds the

waterworks of the city, and every person who voluntarily soils or contaminates the intake of the said waterworks, whether such intake be frozen or not, and every person who deposits in such intake or upon the ice thereof the carcass of any dead animal or any other matter injurious to health, shall be liable to a fine not exceeding one hundred dollars, recoverable, with costs of prosecuting, by suit before the Recorder's Court, and in default of payment to imprisonment not exceeding two months.

**506.** If any person shall prevent the said corporation or any person employed by the said corporation, from erecting, repairing or completing any of the works of the said waterworks, or from exercising any of the powers and rights accorded by this section, or shall embarrass or shall interrupt them in the exercise of such rights, or cause any injury to the said waterworks, apparatus or accessories thereof, or obstruct, embarrass, hinder or prevent the working of the said waterworks, or the apparatus or accessories thereto belonging, or any portion thereof, or shall cause the same to be done by others, such person shall, on conviction before the Recorder's Court, be punished by a fine not exceeding one hundred dollars, or by an imprisonment not exceeding three months, or by both at once, at the discretion of the said court, without prejudice to the damages caused, which the corporation may recover, together with costs of suit, by an action before the said court; and the said court shall proceed in the said action as prescribed by the law regulating the said court.

**507.** The corporation shall have the power to make by-laws or orders prohibiting, upon pain of a fine not exceeding forty dollars, or an imprisonment not exceeding one month, or both, any occupant of a house or other real property or of any part thereof, supplied with water from the said waterworks, from furnishing water to others, or from using it otherwise than for his own use, or for increasing the supply of water agreed for, or from wasting it.

**508.** The corporation shall also have the power to make by-laws or orders, to regulate the time, the mode and nature of the supply of water from the said waterworks, to those to whom it ought to or shall be furnished, the price of the water, the time and mode of payment, in advance or otherwise, and all and every matter or thing having reference to the said waterworks, which it may be necessary or proper to direct, regulate or determine, for furnishing

Preventing  
frauds. to the inhabitants of the city a regular and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water to be so supplied.

Inspecting  
houses, etc.,  
furnished  
with water. **509.** The corporation shall have power to appoint one or more inspectors empowered to enter, at all reasonable hours, into any house or building, and upon lands traversed by the water of the said waterworks, and to examine the cocks, pipes, service pipes, conduits, cisterns, reservoirs, or apparatus placed in such houses, buildings, lands and the dependencies thereof, and such entrances and examinations shall be regulated and determined by the by-laws for this purpose made by the corporation, and to which the said inspectors and all other persons residing either permanently or temporarily in the city shall conform and submit, under the penalties fixed by such by-laws, and the fine in such case shall not exceed forty dollars, nor the imprisonment exceed two months in the common gaol in the district of Quebec; both these penalties may be imposed together, or one or the other only, at the discretion of the court.

Penalty.

Agreements  
with hospi-  
tals for  
water sup-  
ply. **510.** The city is authorized, on a resolution of the city council to that effect, to enter into agreements with all the hospitals situated within the city limits, for supplying such institutions with water from its waterworks, at a price not exceeding ten cents per 1,000 gallons, such contracts to be respectively for periods not exceeding five years. The institutions which obtain hydrometers, as enacted hereinabove, shall pay the cost thereof or an annual rent to the city, and place them at their own expense, and the city is entitled to inspect such hydrometers whenever it deems it expedient.

Water from  
waterworks  
in streets. **511.** The city shall introduce water from the waterworks into all the streets of the city in which the revenue from the water shall equal at least six per cent of the cost of its introduction.

Borrowing  
power. **512.** For the purpose of article 511, the city is authorized to borrow each year, on a resolution of its council, a sum not to exceed one hundred thousand dollars.

Appoint-  
ment of in-  
spectors. **513.** The city shall have power to appoint one or more inspectors empowered to enter, at all reasonable hours, upon the lands bordering the river St. Charles, lake St. Charles, river Jaune and the other lakes from which

the water is derived for the waterworks, and ascertain whether the said water is protected from any pollution from said lands or property; and the owner of such land or person residing thereon, who refuses to the inspector or inspectors entrance upon the said lands, shall be liable to a fine not exceeding forty dollars or to imprisonment not exceeding two months in the common gaol of the district of Quebec in default of payment of the fine and costs. Penalty.

**514.** As soon as water from the city waterworks is introduced into a street, the city shall supply and lay the water pipe from the main pipe in the street to inside the foundation of the house or building wherein such water is to be distributed, if such house or building be erected on the line of the street, and three feet beyond such line if the said house or building be not on the said line. Laying of water pipes from main pipes.

**515.** The city shall afterward maintain the water pipe, but if the water freeze in it, or if the tap placed in the cellar by the city be damaged through the fault of the proprietor or occupant of the building, and if it be necessary to replace or repair the pipe or tap or to excavate the street to repair the damage, the cost thereof shall be borne by the proprietor. Maintenance of water pipes.

**516.** The city council is fully empowered to pass by-laws for the following purposes: Power to pass by-laws:

a. To order that the repairing or replacing of the cellar taps placed by the city in houses or buildings already constructed shall be a charge upon the owners; Maintenance of cellar taps at charge of owner.

b. To compel the owners of any building or property whatsoever to place stop-cocks for water inside their premises in a suitable and convenient place, and to allow the officers of the city to have access to such stop-cocks at all hours of the day and night; to allow the city to turn off such stop-cocks and to seal the same and to impose a fine on the owner, occupant or tenant, as the case may be, if the seal be found broken or the stop-cock open after having been turned off and sealed by the city officers. Compelling owners to place stop-cocks, etc.

**517.** In the case of immoveable properties wherein water from the waterworks is not introduced, the tax for the said water shall be three cents in the dollar on the annual assessed value of such properties or, according to the method adopted by the council, a percentage on the actual, real, commercial, market value of such properties at the time of the assessment. Water-rate when water not introduced.

Water-rate where water introduced.

**518.** In the case of immoveable properties wherein water from the waterworks has been introduced, the tax for such water shall be twelve and one-half cents in the dollar on the annual assessed value of such properties or a sum not to exceed one per cent on the actual, real, commercial, market value at the time of the assessment, according to the method adopted by the city council, whether the proprietors thereof consent or do not consent to receive the said water or to make use of the same.

Water tax additional to special taxes.

**519.** The tax for water from the waterworks is over and above the special taxes which have been or may be imposed for the use of the water for animals or for other purposes established by law or by the city by-laws.

Laying of drains.

**520.** At the same time that the water is introduced into a street, the city shall also lay the drains therein, including the pipes between the main sewer in the street and the buildings, as in the case of the water-pipe.

Excavations.

**521.** If, after the laying of the lateral drains, it should become necessary for any reason whatsoever to excavate a street for the purpose of repairing or replacing them, no such excavation shall be made by a citizen until he has first obtained permission from the waterworks engineer; and it shall be made at the expense of such citizen, unless it be established by the waterworks engineer, after being put in default so to do, that such repairs are rendered necessary through some cause arising from the main sewer in the street.

Payment of fixed sum for water rate.

**522.** If the annual assessed value of a property or of any portion of a property be less than forty dollars, the proprietor shall pay to the city an annual specific tax of five dollars for water from the waterworks.

Special rates for water used for certain purposes.

**523.** The council, by one or more by-laws to be made as aforesaid, may impose a tax or special taxes:

1. On each horse, cow, ox or other animal supplied with water from the said waterworks; or
2. On each steam-engine fed by the water of the waterworks, and on each other engine worked by the said water; or
3. On each court house, gaol or other public establishment supplied with the water of the waterworks; or
4. On each theatre in the city; or
5. On each hotel, boarding-house, coffee-house, restaurant or other house of public entertainment in the city

to which the water of the said waterworks is supplied or may be supplied according to law; or

6. On all breweries, tanneries, laundries, public garages, aerated water factories and other manufactories supplied with water for the purposes of their manufactories; or

7. On each water-closet an amount not exceeding five dollars per annum.

**524.** In each and every case in which any tax or rate for water heretofore imposed by any by-law, or which may hereafter be imposed by the council, by virtue of the preceding provisions, shall not have been paid within the thirty days following the day on which such tax or rate shall have become due and payable, the council may order the stoppage or suspension of the supply of water to any such person, institution, establishment, house or building hereinabove mentioned, by whom or which the said tax or rate may be due.

**525.** Notwithstanding the stoppage or suspension of the said supply, the said tax or rate shall continue to be due, in future, in the same manner as if the supply were continued.

**526.** The cost of stoppage or suspension of the said supply shall be paid by the person, institution or establishment in arrear as aforesaid.

**527.** The corporation shall have the right to notify any proprietor, tenant or occupant of the brewery, distillery, manufactory, livery stable, hotel, or any building or property in which any steam-engine shall be used, or any building or property in which it shall be considered that there is, or ought to be, more than an ordinary consumption of water, that the corporation does not intend to furnish him with water from the said waterworks at the ordinary price, and thereupon the said corporation may cease to furnish water to such proprietor, tenant or occupant, who shall also cease to be held liable for the payment of the ordinary rate or assessment with regard to such property; but the corporation and the said proprietor, tenant or occupant may enter into an agreement, with respect to the rate or price at which water shall be furnished to the said property; and any agreement, being reduced to writing and signed by both parties, shall be valid.

**528.** Hereafter, the council shall not have power to

allowed hereafter, in certain cases, for more than five years.

make any contract for the supply of water to be furnished to any brewery, distillery, tannery or other buildings mentioned in article 527, for manufacturing purposes, or for workshops or industrial establishments, for a longer period than five years.

Officers of council may enter to see that the consumption is not greater than agreed upon.

**529.** The officers appointed by the council shall, at all reasonable times, have the right to enter upon the premises, in respect of which any such agreement has heretofore been made or may hereafter be made, to see that the quantity of water stipulated for by the agreement and no more is furnished to the property; and the council may, in their discretion, cause tanks, calculated to contain such stipulated quantity and no more, to be erected on such property, and cause the same to be filled daily by their officers, and all further supply of water to be cut off from the premises.

Council may cause hydrometers to be used.

**530.** The council is hereby authorized to cause hydrometers to be placed for the purpose of regulating, determining and measuring the quantity of water to be supplied by the said waterworks, either to every house or building to which the said water is or may be supplied, or to every public institution, court-house, gaol, hotel, house of public entertainment of whatsoever nature, or boarding-house, or to every brewery, distillery, factory, manufactory, establishment of art, trade, commerce or industry of any nature whatsoever, in the exercise of which the water of the waterworks is or may be used, or to any one of the same; and the council may for such purpose adopt any by-law which it may deem necessary.

Hydrometers to be placed in certain institutions.

**531.** Nevertheless, the city shall be bound to place hydrometers, to regulate, determine and measure the quantity of water to be supplied by the waterworks to any institution or religious or teaching community, already exempted by law from taxation, situate within the limits of the city, which shall apply therefor in writing, and to supply them water, as aforesaid, at a rate fixed by the city council, but not to exceed sixty cents per thousand gallons of water, except charitable institutions supported by subscriptions from the public or receiving a subsidy from *l'Assistance Publique* for which the rate shall not exceed twenty-five cents per thousand gallons of water. The institutions or communities which shall have obtained hydrometers, as above provided for, shall pay to the city the cost thereof, or an annual rent, and place them in position

at their own expense; and the city shall have the right to inspect the hydrometers whenever they deem it expedient so to do.

**532.** It may compel each and every proprietor, tenant or occupant of any house or building, or each and every person, public institution, court-house, gaol, hotel, house of public entertainment of any nature whatsoever, board-ing-house, brewery, distillery, manufactory, art, trade, commerce or industry whatsoever, as aforesaid, to pay, for the fitting up and rent of any hydrometer, such sum as may be determined by such by-law. Charge for rent, etc. of hydro-meters.

**533.** Whereas difficulties have arisen as to the correct interpretation of the words "occupied house and store" in the acts relating to the waterworks of the said city, it is hereby declared and enacted that the words "occupied house or houses" in the present section relating to the waterworks, and in the by-laws of the council of the city, have signified, do signify, and shall signify any house occupied as a dwelling or for any other purpose whatever, except as a store; and the words "store and other similar buildings" in the said act and by-laws have signified, shall be held to and shall signify any building whatever used for storage and sale by wholesale only of merchandise and effects, and not otherwise, notwithstanding any matter, thing or enactment contrary thereto in the said act, section or by-laws contained. Doubts as to interpretation of certain words, removed.

**534.** Judicial or other sales of lots, the official cadastral numbers of which cover lands belonging to the city for the purposes of its waterworks, or used for the purposes thereof, shall not affect the rights of the city in or to such lots. Rights of city safeguarded.

#### SECTION XXXVIII

##### *Actions against the city, and other special matters*

**535.** Notwithstanding any law to the contrary, no right of action shall exist against the city for damages resulting from bodily injury, caused by an accident, or damages to moveable or immoveable property, unless, within thirty days from the date of such accident or damages, and, in the case of an accident or damages arising from a fall on the sidewalk or on the roadway, unless within fifteen days from such accident or damages, a written notice has been received by the city, containing the particulars of the damages sustained, indicating the name in full, occupation and address No right of action against the city without notice. Particulars.

of the person who has suffered the same, giving the cause of such damages and specifying the place where the same occurred.

Delay to institute action.

No action for damages or for compensation shall be instituted against the city before the expiration of thirty days from the date of the receipt of the above notice.

Right of action, in default of notice.

The default of such notice, however, shall not deprive the victims of an accident of their right of action, if they prove that they were prevented from giving such notice by irresistible force, or for any other similar reason deemed valid by the judge or court.

Delay to institute action.

**536.** No action against the city for damages or for compensation shall be admissible unless the same be instituted within six months from the date when the right of action originated.

Recourse in warranty of city.

**537.** The city shall have its recourse in warranty against any person whose fault, imprudence, negligence, or incapacity has been the cause of the accident and of the damages or compensation claimed.

Prescription.

**538.** All actions, suits or claims against the city, or any of its officers or employees, for damages resulting from offences or quasi-offences, or illegalities, are prescribed by six months from the day on which the cause of action originated, any article or provision of the law to the contrary notwithstanding.

Exhibition commission.

**539.** The city may hold exhibitions on the property of the Quebec Exhibition Company, and appoint, for the organization and administration of these exhibitions, a commission accountable to it. This commission shall be composed of five members including the mayor of the city of Quebec who shall be president. The four other members shall be appointed as follows; three by the city council, which shall appoint a representative of the agricultural associations, and the fourth by the Department of Agriculture of the Province of Quebec. The council shall be represented by the mayor only. These commissioners shall remain in office until the appointment of their successors. The land forming part of the said property may also be used and employed for other purposes of public utility. The city may moreover authorize the commission to administer and operate, outside of exhibition time, the exhibition grounds as amusement grounds, upon such terms and conditions as shall be fixed and determined by the council.

Use of land.

The Department of Agriculture at Ottawa may be represented on the Quebec Exhibition Commission by one of its members, in which case the commission shall be composed of six members. Ottawa representative.

**540.** The city is authorized to sell or transfer to any railway company, to the Government or to any corporation having expropriation powers, that portion of the property described in the deed of sale executed on the 28th of April, 1896, by the General Hospital of Quebec, to the city of Quebec, before Jos. Allaire, N.P., under the number 7130 of his minutes, which will be required for railway purposes. The indemnity to which the General Hospital is entitled shall be determined according to the city's expropriation laws and shall be payable by the city. In default of the city proceeding within a delay of two months from such sale or grant, the General Hospital, as well as the city, may, for the same purpose, ask for the appointment of experts. Transfer of certain property authorized.

**541.** 1. It is forbidden to erect any building whatsoever on a zone of a hundred feet in width bordering the avenues, alleys or grounds forming or to form part of the National Battlefields: Conditions for erection of buildings on avenues bordering National Battlefields.

*a.* Except if the building concerned be exclusively a dwelling-house, of a value of at least nine thousand dollars, detached, and built for one dwelling only, the exterior of which is at a distance of at least twenty feet from the property of the National Battlefields Commission, and at least six feet from the side lines of the site on which such house is to be built; but, in no event, whatever be the orientation and position of the site, shall the line separating such site from the property of the Commission be considered, for the present purpose, as the side line of the site, and

*b.* Except if the plans and specifications of such dwelling-house, insofar as they refer to its general outward appearance and to the position which it is to occupy with respect to the Park, have been previously approved by the Commission.

2. Are excepted from the prohibitions of the previous paragraph 1: Exceptions.

*a.* The lots and parts of lots forming part of the former Seminary Farm, which extend along the north side of the Park alley, known under the name of Avenue des Bernières;

*b.* The lots and parts of lots adjoining the property of the Commission, which at present belong to the Reverend

Dominican Fathers of the Quebec monastery, and this as long as they are the property of the said Dominican Fathers;

c. The lots and parts of lots on the south side of Grande Allée, near St. Louis Gate, on the lot number four thousand four hundred and thirty-seven (4437) of the cadastre of the city of Quebec, which at present belong to the Quebec Skating Club, and this as long as they are the property of the said Quebec Skating Club;

d. The lots and parts of lots on the south side of Grande Allée, near St. Louis Gate, being a subdivision of lot number four thousand four hundred and thirty-seven (4437) of the cadastre of the city of Quebec, which at present belong to the Victoria Curling Club, and this so long as they shall remain the property of the Victoria Curling Club and shall be used for sporting purposes.

Dependenc-  
cies.

3. The Commission may, notwithstanding the above prohibitions, permit, within the limits of said zone, (behind the houses which it permits to be erected) the erection of dependencies deemed useful, provided such dependencies do not in any way mar the aspect of the Park; but one dwelling-house only shall be constructed per site within the zone of one hundred feet above mentioned.

Demolition.

4. The Superior Court of the district of Quebec may, at the request of the National Battlefields Commission, order the pulling down, at the expense of the proprietors of the lots, of all buildings that will be begun or erected in violation of the above provisions.

Inconsis-  
tent provi-  
sions re-  
pealed.

5. The clauses of by-law No. 45 of the former town of Montcalm and the clauses of by-laws 24N and 24T of the city of Quebec, relating to building on lots bordering Avenue des Braves and lots adjoining the property of the National Battlefields Commission, inconsistent with the provisions of the above paragraphs, are accordingly repealed and replaced by the above provisions.

Transfer au-  
thorized.

**542.** The city is authorized to transfer to the National Battlefields Commission the part of Gilmour hill belonging to it and situated within the limits of the city, provided, however, the said Commission binds itself not to change the destination of such land, which shall continue to exist as a public road.

Cost of  
children in  
industrial  
schools.

**543.** When a child is interned in an industrial school at the expense of the city, and such child has not had his domicile in the city for at least six months, the city may have all the costs incurred in connection with the child, as well as his transportation to the industrial school,

paid by the city, town or county municipality within which the child previously had his domicile.

Any city, town or county municipality, which pays to the city of Quebec any sum of money under this article, may recover the same from the person bound to support the child. Recourse of municipalities.

**544.** The city is authorized to impose and levy upon any tenant of an immovable or part of an immovable occupied as a residence, an annual tax not exceeding three per cent of the rental value of such immovable or part of immovable as entered on the valuation roll then in force. Nevertheless, the owner of any immovable or part of immovable shall not be responsible for the tax imposed upon the tenant. Tax on tenants.

Nothing in this act shall affect the by-laws nor the terms of any annexation with adjoining municipalities, as regards the rate of the tax to be paid in the annexed territories. By-laws, etc., not affected.

**545.** The city council may, by by-law, provide for the establishment of a pension and superannuation fund for the members of the police force and of the fire brigade, and determine the conditions thereof. Pension fund for police and firemen.

**546.** In addition to the powers already conferred, the council is authorized to regulate vehicular traffic in the streets, public places and parks of the city, so as to allow vehicles to travel only in one direction on certain streets or parts of streets, to order upon what streets vehicles with heavy loads may pass, and from what streets, alleys and public places they shall be excluded, the whole subject to the laws of the Province respecting motor vehicles. Regulation of vehicular traffic.

**547.** The city may unite with the Government in appointing a town-planning commission for the embellishment of the whole extent of its territory. Such commission shall be composed of five members, three of whom to be appointed by the Government. This commission shall be known under the name of "Quebec Town-planning and Conservation Commission". The powers and duties of such commission, including powers to establish zones and control architecture, shall be defined by a by-law passed for the purpose by the city council. The said by-law shall require the approval of the Lieutenant-Governor in Council. Quebec Town-planning and Conservation Commission.

Furthermore, when a street or avenue shall be the division line between the city of Quebec and an adjacent municipality, no buildings shall be erected on the side of the Approval by said commission.

street or avenue that does not form part of the city unless the plans of such buildings be previously approved of by the Quebec Town-planning and Conservation Commission. This provision shall apply to building on St. Louis Road between Belvédère Road and Holland Avenue.

Provisions applicable.

Jurisdiction of commission.

**548.** The commission shall also have jurisdiction over the territory of municipalities contiguous to the city of Quebec, within a radius of five miles, and no new street shall be opened in such territory, nor any subdivision of lands into building lots shall be made, until a plan giving the location of such new street, its width and direction, or the dimensions of the lots of the new subdivision, with the boundaries and limits, has been submitted to the commission for approval.

When parties do not agree.

Failing an agreement between the commission and the municipality interested, the question shall be submitted to the Quebec Public Service Commission, whose decision shall be final.

#### SECTION XXXIX

##### *Special provisions*

29 Vict., c. 57, repealed in certain cases.

**549.** The provisions of the act 29 Victoria, chapter 57, 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.

No retroactive effect, etc.

However, 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, rolls of assessment 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 dispositions 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.

**550.** All the provisions, terms and conditions affecting the annexation of any territory to the city, or the said territory, contained either in any acts or in any by-laws in force at the time of the coming into force of this charter, shall continue to have the same effect as if this charter had not been adopted; and this provision shall likewise apply to any acts granting a delay to the city for the fulfilment of obligations, and to any acts providing for a special valuation or assessment in the case of land under cultivation or the appurtenances thereof.

**551.** Section 5 of the act 15 George V, chapter 91, (including the schedule therein mentioned) shall continue to have full effect and to govern the matters which form the subject thereof, notwithstanding the provisions of this charter.

**552.** In cases for which no provision is made, every power conferred or duty imposed, by law or by by-law, upon either the council, the administrative committee of the city, or upon any officer or functionary of the city, or upon any bodies, officers or functionaries jointly, separately or subordinately one to another, shall be exercised or fulfilled in accordance with the provisions of this charter.

**553.** Any reference in any act passed prior to the adoption of this charter, and which remains in force, or in any proclamation, instrument or document whatsoever, to any act or provision which is repealed or consolidated by this charter, shall, after the coming into force thereof, be held, as regards any subsequent transaction, matter or thing, to be a reference to the provisions of this charter corresponding to the act or provision which is repealed or consolidated, except in cases where there is inconsistency or where a different intent is evident.

**554.** All formalities prescribed by law, with reference to any matter or thing required to be done by the council, or by its officers, or by the assessors of the city, or by any of them, shall be presumed to have been done and executed until proof to the contrary.

Juridical day.

**555.** If the day on which anything is to be done in connection with this act is a non-juridical day, such thing may be done with equal effect on the next juridical day thereafter.

Provisions not applicable.

**556.** The Cities and Towns' Act (Revised Statutes, 1925, chapter 102) shall not apply to the city of Quebec.

#### SECTION XL

#### RECORDER'S COURT OF THE CITY OF QUEBEC

##### *Composition*

Recorder's Court.

**557.** There shall be a court of record in the city, to be called "Recorder's Court of the City of Quebec".

Where the court shall be held.

**558.** The said court shall be held daily in the city hall of the city, or in such other building or place as shall be set apart for the purpose by the council.

To be held by recorder, etc.

**559.** The said court shall be held by the recorder, or, in the event of his absence or inability to act, for any cause whatsoever, or when there is no recorder, by the mayor of the city, or by the mayor with a member of the council, or by two members of the council, or by a single member of the council, provided that, in the latter case, such member of the council be an advocate.

Sittings of court.

**560.** The Recorder's Court may be held every day, and may sit as many times as may be necessary each day, after adjournment in contested matters, and without adjournment or notice in non-contested, penal and other matters.

Qualifications of recorder.

**561.** The recorder of the city of Quebec shall be a barrister of the Province of Quebec, of at least five years standing, and shall be appointed by the Crown during good conduct; he shall be *ex officio* a justice of the peace in and for the city and district of Quebec.

Dismissal.

**562.** He may be dismissed by the Lieutenant-Governor on a joint address of the Legislative Council and Legislative Assembly.

Salary.

**563.** His salary shall be six thousand dollars a year payable monthly in equal instalments, out of the funds of the city.

**564.** If the recorder, after having served for fifteen years, resigns, or if while in office he becomes afflicted by some permanent infirmity which prevents him from performing his duties, the city shall pay him a pension equal to three-fourth's of the salary he was receiving at the time of his resignation or disability, as the case may be, and such pension, which shall begin to run immediately after his resignation or disability, shall be paid to him during his lifetime, and shall be exempt from seizure. This provision shall apply to the present recorder as well as to his successors. Pension.

**565.** If the recorder, after thirty years' service, resigns, the city shall pay him a pension equal to the salary he was receiving at the time of his resignation, and such pension shall begin to run immediately upon his resignation, shall be paid to him monthly, during his lifetime, and shall be exempt from seizure. A recorder thus pensioned shall have the right to discharge the duties of recorder in case of the absence, sickness, recusation, or at the request of the new recorder. Idem.

**566.** The recorder of the city must, when required by the mayor or council, hold investigations without costs, and summon and hear witnesses for ascertaining the value of the recourse granted by law to the city for obtaining the refund, wholly or in part, of the expense of transportation, maintenance and board of persons sent to reformatory or industrial schools, houses of detention or insane asylums. The said inquiries may be held indifferently before or after internment. Recorder to hold investigations.

**567.** The Crown, on the application of the council, may appoint a deputy recorder, who shall also be a barrister of the Province of Quebec of at least five years' standing, whose salary shall not exceed two thousand five hundred dollars a year, payable monthly, in equal payments, out of the funds of the city. Deputy recorder.

**568.** The deputy recorder, while acting as such, shall have and possess in all respects all the powers and authority conferred upon the recorder by this charter. Power and authority of same.

#### *The Clerk—His duties*

**569.** The clerk of the said Recorder's Court shall be appointed by the council during pleasure. Except as regards the present officer, the person so appointed shall be a member of the Bar of the Province of Quebec having five years of practice. Clerk; appointment and qualifications.

Clerk, justice of the peace.

**570.** The clerk of the Recorder's Court shall be *ex officio* a justice of the peace for the city and district of Quebec.

Deputy clerk.

**571.** The council shall appoint a deputy clerk, whom it may dismiss and replace at pleasure.

Duties and powers of deputy.

**572.** So long as he holds office, the said deputy shall fulfill all the duties, and shall be vested with all the powers imposed or conferred by this act on the clerk of the said court.

Absence.

**573.** In the event of the clerk of the Recorder's Court and his deputy being absent or unable to act, the mayor may appoint another deputy clerk to replace them temporarily.

Duties of clerk.

**574.** The clerk of the said court shall prepare and make out all the summonses, orders, writs and warrants whatsoever, which shall be issued out of or by the said court.

Register of proceedings.

**575.** He shall enter daily, and in a succinct manner, in a register which shall be kept for that purpose, the proceedings had in each cause or complaint brought in the said court, and he shall register at length the judgments, orders and convictions rendered and pronounced by the said court.

Clerk to conduct cases.

**576.** The clerk of the Recorder's Court shall conduct before the court all actions instituted in the name of the corporation, except in cases where the corporation shall deem it expedient to appoint an attorney or to associate him with counsel.

Record of convictions.

**577.** The said clerk shall keep a record of all convictions pronounced by the said Recorder's Court, setting forth the names of the defendants, the nature and date of the offence, the date of the conviction, the amount of the fine or other penalty imposed; and such record shall suffice, notwithstanding any law or usage to the contrary.

Death of clerk.

**578.** In the event of the death of the said clerk, the deputy clerk shall continue to act as such, until another clerk shall have been appointed by the council.

Duties of clerk and deputy.

**579.** The clerk of the Recorder's Court or his deputy shall discharge all and singular the duties imposed by

chapter 163 of the Revised Statutes of Quebec, 1925, insofar as the said chapter may apply to the Recorder's Court.

**580.** The said clerk shall be governed at all times by the orders he may receive from the recorder or from the Recorder's Court, as to management, administration, keeping and arrangement of the office of the court, and shall be under the exclusive control of the recorder as to all matters relating to his office; the recorder or the Recorder's Court may suspend the said clerk from his functions, and report such suspension to the mayor of the city; such suspension shall not take place except for a violation by the said clerk of the duties and obligations imposed on him by law; and during such suspension the deputy clerk shall discharge the duties of the clerk.

Clerk under orders of recorder.

Suspension of clerk.

**581.** The mayor shall communicate the report of the recorder to the council, who may dismiss the said clerk.

Report to council; dismissal.

**582.** The clerk and his deputy shall take an oath of office before the Recorder's Court; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy clerk.

Oath of office of clerk and deputy.

### *Bailiffs*

**583.** The council shall appoint from time to time, by resolution, a sufficient number of persons competent to fulfil the duties of bailiffs of the Recorder's Court, and may dismiss such persons at any time, and appoint others in their stead.

Bailiffs.

**584.** Upon such appointment being made, the mayor shall issue commissions appointing such persons of the said court, under the seal of the city, and signed by himself and by the city clerk.

Their commissions.

**585.** Every such bailiff shall take an oath of office in the Recorder's Court.

Oath of office.

**586.** Every bailiff, the bearer of a writ of summons, or writ of execution, or of any other writ issued out of the said court, shall make a return under his oath of office of all proceedings taken by him in relation to such writ, and such return shall suffice for all purposes whatsoever.

Returns by bailiffs.

*Powers and Jurisdiction of the Court in Penal  
and Civil Suits*

- Maintenance of order.** **587.** The said court shall cause order to be maintained during its sittings, and may punish, by fine or imprisonment or by both, any person guilty of contempt of the court during the sittings and in the presence of the court.
- Provisions applicable.** **588.** Articles 7, 8, 9, 17, 18, 19, 21, 22, 125, 126, 128, 129, 131, 132, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, 148, 151, 152, 215, 236, 519, 639, and 679 to 697, inclusively, of the Code of Civil Procedure, shall apply, *mutatis mutandis*, to the recorder and to the Recorder's Court.
- Jurisdiction of court:** **589.** The said court shall have original jurisdiction over, and shall hear and decide summarily:
- City taxes;** Any action brought by the corporation for the recovery of any sum or sums of money due to the corporation, for any tax, assessment, impost or duty whatsoever, legally imposed by any by-law now in force in the city, or that may hereafter be passed by the council;
- Taxes on markets;** Any action for the recovery of any sum, tax, assessment, impost or duty now imposed, or to be hereafter imposed or levied in and upon the markets;
- Water tax;** Any action for the recovery of any sum of money or revenue whatsoever, which may be due and payable to the corporation, for any supply of water, given or furnished by the city waterworks, in or to any house, buildings or dependencies, or given or furnished to or for the use of any person or persons in the city;
- Costs of introducing water;** Any action for the recovery of the costs of introducing any pipe or pipes from the waterworks, into any house, building or dependency in the city, and at the instance of, or for the use and benefit of any person or persons in the city;
- Altering of pipes;** Any action for enlarging, maintaining and repairing, altering or removing any such pipe, in any such house, building or dependency;
- Tax paid by owner for lessee;** Any action for the recovery of any sum or sums of money paid by the possessor or proprietor of any immovable property within the city for water-rates or for any other tax, assessment, impost or duty whatsoever for and on account of his lessee, or agreed to be paid or satisfied by the said lessee according to the terms of his lease or otherwise;
- Wages of servants, etc.** Any action for the recovery of the wages of servants, apprentices, domestics or persons engaged by the day,

or for damages arising from the hire of work, when the amount does not exceed twenty-five dollars.

In suits before the Recorder's Court, in matters between masters and servants, the defendant may be condemned to pay costs in addition to the fine.

Suits between masters and servants.

**590.** If the city should pass by-laws under chapter 127 of the Revised Statutes, 1925, the proceedings for infringements of such by-laws may be taken before the Recorder's Court of the city.

Proceedings for infringement of certain by-laws.

**591.** The Recorder's Court shall also have summary jurisdiction in cases of lease, use and occupation of stalls, markets, cattle stands or other immoveable property of the corporation for the recovery of the rent or of the sum due to the corporation for the use and occupation thereof, and in every other case where in law the lessor or proprietor has a right to demand the resiliation of the lease or the ejection of the tenant or occupant, in conformity with the provisions of article 1624 of the Civil Code.

Jurisdiction of Recorder's Court.

The said court and the recorder shall have and exercise, for this purpose, all the powers and jurisdiction granted in this respect by law to the Superior or District Magistrate's Court, or to the judges thereof.

Idem.

**592.** The Recorder's Court shall have the power to grant fees to the advocates or counsel practising before it in every civil suit or in all cases where complaint has been made or proceeding taken by a private individual either in his own name or in the name of the said corporation. The said court may also make a tariff of the said fees, subject nevertheless to the approval of the Lieutenant-Governor-in-Council.

Power to grant fees to advocates.

Tariff.

**593.** The Recorder's Court and the recorder, with respect to all civil actions, matters, and proceedings within the jurisdiction of the court, shall, as regards same and as regards actions in warranty, incidental demands or demands in intervention, or any exception, defence or incident whatsoever during the suit, and as regards opposition under any form whatsoever to the execution of a judgment of the said court, and other matters and things relating to the said judgment, have all and every the powers and authority which would be enjoyed in such cases by the Superior or the District Magistrate's Court, and the judges of the said courts, if such actions, matters or proceedings had been instituted or brought before the said Superior or the District Magistrate's Court instead of before the said Recorder's Court.

Powers as to incidental proceedings.

**Tariff of fees and costs.** **594.** The Recorder's Court shall have power to make a tariff of the costs and fees to be demanded and levied by the clerk, the bailiffs and other officers of the court, and may repeal, alter and amend such tariff; but the said tariff and the amendments thereto shall not be binding until the same shall have been approved by the Lieutenant-Governor in Council.

**Approval.**

**Execution against prosecutor, etc., for non-payment of costs, etc.** **595.** In every prosecution for fine or penalty instituted as mentioned in article 592, the said court may, in its discretion, if such prosecution be dismissed, condemn such private prosecutor to pay all the costs incurred in such prosecution, and, in default of payment, order that he be imprisoned for a term not exceeding one month, unless the said costs and costs of imprisonment be sooner paid, or direct the levying of such costs by a writ of seizure and execution against the goods and chattels of the said prosecutor as in civil matters.

**Discretion of Recorder's Court.** **596.** The Recorder's Court may use its discretion in awarding or withholding costs, or ordering each party to pay his own costs.

**Recovery of fines, etc.** **597.** Every fine and penalty imposed by this charter, for the punishment of any offence committed against the provisions of this charter, or of any by-law in force, or which shall be in force in the city, shall, unless it be otherwise expressly provided by this charter, be sued for before the Recorder's Court, and heard and decided in a summary manner, in conformity with the law regulating the said court, and enforced by the payment of the fine and costs, or, in default of payment, by the imprisonment of the defendant for a period not exceeding two months, in the discretion of the court, unless the fine and costs, together with the costs of imprisonment, be sooner paid, notwithstanding anything to the contrary in the said by-laws.

**Enforcing payment.**

**Exclusive jurisdiction in certain cases.** **598.** The Recorder's Court shall have exclusive jurisdiction and shall hear and decide summarily and in accordance with the law regulating the said court in the matter of any offence committed against the provisions of this charter or the law respecting such court, or the by-laws now in force or which shall hereafter be in force in the city.

**Jurisdiction.** **599.** The said court may take cognizance of and determine all offences mentioned in chapter 168 of the

Revised Statutes of Quebec, 1925, insofar as such provisions are applicable to the city; and section 3 of the said chapter shall apply to the recorder, *mutatis mutandis*.

**600.** In all cases of offences as aforesaid, and in all cases of offences committed against the by-laws of the city now in force, or which hereafter shall be in force, the Recorder's Court may summon the offender from any place within any of the districts of Quebec, Beauce, and Montmagny, to appear before the said court, or may issue a warrant against him to bring him before the said court.

From what place offender may be summoned.

*Proceedings in Penal Suits*

**601.** Every summons, order, writ or warrant of any nature whatsoever, issued out of or by the said court, shall run and be in the name and style of His Majesty, His Heirs or Successors; they shall be sealed with the seal of the court and be signed by the clerk of the court.

Form of writs, etc.

**602.** In all cases where a person is arrested on view by a police constable, it is not necessary that the complaint be reduced to writing, but a verbal complaint under oath, made before the court by the constable who has arrested such person, shall be deemed a sufficient complaint.

When person is arrested on view.

If such person demand that the complaint be reduced to writing, the clerk shall reduce it.

Complaint in writing.

**603.** Whenever the Recorder's Court, on the trial of the holder of a carter's license, or a driver of a vehicle for the owner of such license, for a penal offence committed in the exercise of his calling of a carter, finds the conduct of the defendant as a carter is unworthy and contrary to good order, it may order the cancelling of such license or the suspension thereof for an indefinite period, during which such license cannot be used.

Power to cancel carter's license.

**604.** All actions instituted by the corporation in virtue of this charter or any other act relating to the city, or of any by-law, rule, order or regulation, in force in the city, shall, when the fine and penalty belongs to the corporation, be brought in the Recorder's Court of the city and not elsewhere, in the name of the city.

Suits in name of the city.

**605.** The recorder, or the Recorder's Court, on the complaint made under oath of any father, mother, tutor or guardian of any minor child of either sex, that such

Arrest of minor upon complaint.

minor has, without reasonable cause, abandoned or left the domicile of his or her father, mother, guardian or other person entrusted with the care or keeping of such minor, and that such child is concealed or living in any place whatsoever within the district of Quebec, may cause to issue from the said court a warrant for the arrest of the said minor, and directing that he or she be brought before the said court; and the court, after hearing the parties or their attorneys, shall, if it deem it just, order the said minor to return to the domicile of such father, mother, tutor, guardian or other person aforesaid; the warrant may be addressed to the sheriff of the district or to a bailiff of the Superior Court or of the Recorder's Court, or to a police constable.

Receiving,  
etc. female  
children into  
houses of  
ill-fame.

**606.** Any master or mistress, or any person being master or mistress of a house of prostitution, house of ill-fame, disorderly house, or house reputed to be so, who shall receive, lodge, keep, or conceal, or who shall detain, by compulsion in any such house, a minor female child, or who shall incite or induce, in any manner or by any means whatsoever, a female minor to abandon or leave the dwelling of her father, mother, tutor, guardian or other person having the care or charge of such minor, and to live, reside or stay in a house of prostitution, house of ill-fame, disorderly house or house reputed to be so; or any person who shall invite or induce in any manner or by any means whatsoever a female minor to commit any of the acts mentioned in the present article,—may, on complaint under oath before the Recorder's Court, or the recorder, by the father, mother, tutor, guardian, or person having the care or keeping of such minor, or of any relative or friend of such minor, be arrested and brought before the Recorder's Court, and, on summary conviction of the offence before such court, shall be condemned to pay a fine not exceeding two hundred dollars, or to imprisonment for a period not exceeding six months, or to both fine and imprisonment, in the discretion of the court.

Penalty.

Making of  
complaint.

The complaint, in the cases above mentioned, may also be made by any person taking an interest in such minor child or female minor.

Summoning  
of offenders,  
etc.

**607.** The said court may, by writ as aforesaid, summon any person accused of any offence against the provisions of any act or by-law, rule or order as aforesaid, or from whom any sum of money is claimed for any one or more of the causes aforesaid, and such writ of summons shall set out the grounds of the action or complaint, in a

succinct and explicit manner, and shall be served upon the defendant by a bailiff or constable as hereinafter provided, by leaving a certified copy of such writ either with the defendant personally or at his domicile, speaking to some grown member of the family of the said defendant.

Service of  
summons.

**608.** Whenever any person is accused of an offence against the provisions of the charter or of a by-law of the city, and the person so accused is not taken and arrested on view, he may be summoned by a writ of summons to appear before the Recorder's Court to answer unto the complaint clearly and succinctly set forth in the said writ. Such writ of summons shall be served by any bailiff or peace officer, provided, however, that, in the case of an offence punishable by fine or imprisonment under the charter or by-law, as aforesaid, proceedings may be taken against the offender, either by writ of summons, as aforesaid, or by a warrant of arrest issued by the recorder on an affidavit laid before him.

Summoning  
of offenders,  
etc.

#### *Proceedings in Civil Suits*

**609.** The Recorder's Court may summon to appear before it any person residing within the limits of the Province of Quebec, who may be indebted to the city for assessments, taxes or municipal dues of whatsoever nature.

Summoning  
of debtors.

**610.** In any civil action there shall be an interval of at least two clear days between the service of the writ of summons and the day of its return into court.

Delay.

If the defendant reside outside the city, the delay is enlarged by one day for every fifty miles distance from the city.

Idem.

**611.** The delay of summons in the case of seizure by garnishment after judgment (*saisie-arrêt après jugement*) shall be the same as that in ordinary civil actions issued by the Recorder's Court.

Delay in  
case of  
seizure.

If the defendant resides within the limits of the district of Quebec, the service may be made by any bailiff of the said court or of the Superior Court.

Service by  
bailiff.

**612.** When the defendant resides outside the limits of the district of Quebec, but within the limits of the Province, the service of the writ of summons shall be made by the sheriff or a bailiff of the Superior Court of the district in which the defendant is so resident.

When def-  
endant re-  
sides out-  
side.

Summoning  
by public  
notice in cer-  
tain cases

**613.** In every suit before the Recorder's Court for a sum of money due to the city, if a bailiff make a return to the court that the defendant has no known domicile in the city, and that, from information obtained by him, he has been unable to find where such defendant resides, and that he has in consequence been unable to serve the writ of summons on him, such defendant may be summoned by public notice published in the newspapers according to law.

Proceedings  
in default of  
appearing.

**614.** If any person summoned to appear before the said court, as defendant, as witness, as garnishee, or otherwise, does not appear in person or by attorney, then proceedings by default shall be taken against such person.

Proof of ser-  
vice of sum-  
mons.

**615.** In cases of prosecutions for offences, if the summons is effected by a constable or police officer, the service is proved in open court by the oath of such constable or police officer.

If the defen-  
dant ap-  
pears.

**616.** If the defendant appears, the court shall cause the plea put in by him to the action or complaint to be entered; it shall hear the witnesses produced by the parties, if any, and shall decide in conformity with law and justice.

Confession  
of judg-  
ment.

**617.** If the defendant confesses judgment either in person or by attorney, the court, if the confession of judgment is accepted by the plaintiff, shall cause judgment to be entered in conformity with such confession; in case of prosecution or complaint for any offence against the provisions of any act or by-law as aforesaid, if the defendant pleads guilty the court shall declare the defendant convicted.

Delay on  
confession.

**618.** The said court may grant a delay of not less than one month nor more than three months to any defendant who confesses judgment after the return of the action brought against him.

Prosecutor  
denying any  
exemption,  
etc.

**619.** If in a complaint or summons made for an offence within the jurisdiction the Recorder's Court, the prosecutor negatives any exemption, exception, proviso or condition in the statute or by-law on which such complaint or summons is founded, it shall not be necessary for the prosecutor to prove such negative; but the defendant must prove that his case is covered by or falls within the scope of such exemption, exception, proviso or condition, in his defence, if he would take advantage of the same.

**620.** In all cases where in any summons or process in civil or penal matters there shall be variance between the allegation and the proof relative to the Christian name or surname, the quality, description, or residence of any party mentioned in such summons or process, or to any other fact alleged in such summons or process, the said court may at any stage of the case, before, during or after the *enquête*, or before judgment or conviction, or at the request of an interested party, direct the amending of such process or summons, if necessary, and allow the adverse party a sufficient delay to prepare a defence to the summons or process so amended, if the party require it for the ends of justice.

Amend-  
ment of  
errors in  
summons,  
etc.

**621.** The said court shall have power to compel witnesses to appear in any action, prosecution or complaint, pending before the court, and answer all legal questions put to them.

Compelling  
of witnesses.

**622.** The court may permit and require interrogatories on articulated facts or the *serment décisoire* or *judiciaire* to be put to any party to a cause in all cases in which such interrogatories or oath shall be allowed by law in the ordinary courts of civil jurisdiction in the Province of Quebec.

Faits et ar-  
ticles, etc.

**623.** The court shall have power to compel the execution of and to force obedience to any writ, order, warrant, or summons issued as aforesaid by the said court, and to that end it shall be vested with all the powers and authority enjoyed in that respect by the ordinary courts of civil or criminal jurisdiction in the Province of Quebec.

Execution  
powers.

**624.** In any civil action the said court shall, as regards the admissibility of oral testimony and the competency and the number of witnesses, follow the rules prescribed in that respect by the law in relation to civil matters, unless it be otherwise provided by this charter.

Evidence.

**625.** In any civil action or proceeding, or in any prosecution or complaint for any offence committed against any by-law of the city, or against the provisions of this charter, any alderman of the city (excepting the mayor or alderman sitting in the said court), and any employee, officer or servant of the corporation, shall be a competent witness, provided he has no direct interest in the result of such action, prosecution or complaint, or is not incompetent from any other cause.

Who may be  
witness.

One witness  
in certain  
case.

**626.** Any assessment, tax, duty or sum of money due to the corporation as aforesaid, and any penalty or fine which may be claimed or sued for in the said court, shall be recoverable on the oath of one competent witness; and any person accused in the said court of any offence within the cognizance of the court may also be condemned on the oath of one credible witness.

Perjury.

**627.** Any person examined before the said court as a witness or as a party, who shall wilfully and knowingly give false testimony, or make a declaration knowing it to be false, in any cause pending in the said court, or in any proceeding whatsoever had in the said court, shall be guilty of perjury, and shall be liable to the penalties for perjury.

Notes of  
evidence.

**628.** The dispositions of the parties or of the witnesses, both in civil cases and in cases of complaint or prosecution for offences as aforesaid shall not be reduced to writing, but the court may take such notes of such depositions as it shall consider requisite and necessary.

Sale of im-  
moveables  
belonging to  
certain per-  
sons liable  
for taxes,  
etc.

**629.** When the owner of an immoveable property situate within the city of Quebec, and liable by privilege to the city for taxes or assessments, is unknown or uncertain, the city may apply, by simple petition, to the Recorder's Court for the sale of such immoveable; and, for that purpose, articles 1026 to 1036, inclusively, of the Code of Civil Procedure, apply, *mutatis mutandis*, to the said court, which has all the powers conferred on the Superior Court by the said articles.

#### *Certiorari*

Writ of  
*certiorari*.

**630.** Every petition to obtain a writ of *certiorari* to revise a judgment of the Recorder's Court shall, in future, be presented to the Superior Court during the next term of the said court, or to one of the judges thereof, within eight days after the date of the said judgment, and, if the said writ of *certiorari* is allowed, it shall be made returnable within the eight days following that upon which it was so allowed, in default of which the judgment of the said Recorder's Court may be carried into execution.

Notice.  
Certificate.

**631.** The notice, given to the recorder and to the opposite party, of such application for *certiorari*, shall, in such case, be accompanied by a certificate from the

prothonotary of the said Superior Court, establishing that the petitioner has deposited in the hands of the said prothonotary a sum of fifty dollars, as security for the costs of the opposite party, in the event of the petition being refused or the writ of *certiorari* set aside with costs.

*Other general provisions*

**632.** All fines and penalties sued for, imposed, levied or recovered in the Recorder's Court, under and by virtue of any statute, now or hereafter to be in force in the city, shall belong to and form part of the general fund of the said city, any law to the contrary notwithstanding. Application of proceeds.

**633.** To the council alone shall appertain the right of remitting the whole or part of any fine belonging to the city, before or after conviction, as well as of the costs of the suit occasioned by the prosecution for the said fine. Remission of fines, etc.

**634.** Such remission shall be made, in each case, by a simple resolution adopted by the majority of the council on a petition presented to the said council, for that purpose, by the persons applying for such remission, and not otherwise. How effected.

**635.** No fine, after conviction or judgment, shall be remitted in whole or in part by the council, except with the approval of the recorder given to any application made to the council by a defendant for the remission of the fine and costs to which he may have been condemned by the said Recorder's Court. Approval required.

**636.** The mayor or any member of the council who shall infringe the provisions of articles 633, 634 or 635, or any officer of the council, who shall receive any sum due to the council, without the costs which shall have been incurred at the time of the payment of the said sum, shall incur a fine not exceeding twenty dollars for each offence, which shall be sued for and recovered before the Recorder's Court, as hereinabove set forth. Penalty for infringing certain provisions.

**637.** Any remission of any fine, or of any sums or costs, in violation of the provisions of this section, shall be considered as null and of no effect, to all intents and purposes whatsoever. Nullity of remission.

**638.** But in all cases in which a fine has been incurred by a corporation, company or firm recognized by law, such fine and costs shall be levied by the seizure and sale If the offender be a corporation, etc.

of the goods and effects of the said corporation, company or firm, in virtue of a writ of execution issued from the said court; and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters.

Liability of joint owners, etc., in certain cases.

**639.** Any one or more joint owners or occupants of any lot, house or premises, or other real property in the city, complained of for violation of any by-law of the council, now or hereafter to be in force, bearing upon the said joint owners or occupants, or upon the said lot, house or premises, or other real property in any manner whatsoever, by reason of nuisances committed thereon, or other offences of what nature soever against the provisions of any by-law of the council, may be sued alone or conjointly in the Recorder's Court, as may be deemed advisable, as also the agent or agents of the said joint owners or occupants, or any one of them; and in the suit to be instituted, it shall be sufficient to mention the name of one of the owners, occupants or agents, with the addition of the words "and others", and the oral testimony of such ownership or occupancy, whether sole or joint, or of such agency, shall be deemed sufficient, any law, usage or custom to the contrary notwithstanding.

Who may bring the suit.

And the corporation, or any municipal elector, may institute any proceedings for that purpose in the name of the city of Quebec.

Specification not required.

**640.** In any suit, action or prosecution brought by the corporation, it shall not be necessary to specify or recite the act or by-law under which such suit, action or prosecution shall be brought.

By-laws presumed to have been properly passed, etc.

**641.** It shall not be necessary to allege or to prove that the formalities required for the passing of a by-law have been observed, nor that any by-law has been transmitted to the Lieutenant-Governor in Council, but the observance of the said formalities, and the said transmission shall be presumed until proof to the contrary be shown.

Authority of by-laws, etc.

**642.** The by-laws, rules, regulations or orders now in force in the city, and those which shall hereafter be made by the council of the said city, shall be held and taken to be public laws within the limits of the city; and as such shall be judicially taken notice of by all judges, justices and other persons whomsoever, without being specially pleaded.

*Executions*

**643.** The execution of any judgment rendered in any Execution of civil action, as above mentioned, shall be levied by the judgments. seizure and sale of the goods, moveables and effects of the defendant.

**644.** No writ of execution shall be issued until the ex- When exe-piration of eight days after the day on which judgment cution may shall have been rendered. issue.

**645.** The right of issuing writs of *saisie exécution*, Right to *saisie-arrêt* and other writs of execution in the Recorder's issue writs Court, on judgments obtained in the said court, shall be of execu-extended to the notices issued by the city treasurer under tion. article 252, the said notices, in default of payment as mentioned in the said article, having the same legal effect as a judgment of said Recorder's Court.

**646.** Writs of execution issued by the Recorder's Returnable Court are made returnable without any fixed delay, and without remain in force so long as the same remain unsatisfied. fixed delay.

**647.** The said writ shall be returnable into the said Return. court on the day fixed by such writ, or on any other day on which the said court shall direct the sheriff or bailiff having such writ to make such return; and any refusal or Penalty for neglect to make such return as prescribed by this article, refusal or shall be punished as a contempt of court in the manner neglect. prescribed by article 587.

**648.** Every writ of execution issued by the Recorder's Execution of Court against the goods and chattels of a defendant may certain be executed in any district of this Province, and shall be writs. addressed to the sheriff or to a bailiff of the district in which the defendant or his property may be.

**649.** The bailiff, the bearer of the writ of execution, Seizure and shall proceed to the seizure and sale in the manner pre- sale byscribed and practised in cases of seizure and sale under ex- bailiff.ecution issued by any ordinary court of civil jurisdiction in the Province of Quebec.

**650.** The recovery of all fines adjudged in the Re- Recovery of recorder's Court shall be proceeded with in pursuance of the fines. law, by-law, rule, regulation or order imposing such fine, by writ of warrant of distress, against the goods and chattels of the defendant, or by warrant of commitment against the

defendant, as the case may be, and such writ and warrant shall be issued in the manner above stated.

Writ *de terris*.

**651.** In case a defendant, debtor to the corporation for assessments, taxes or other municipal dues, does not possess in the city of Quebec any moveables, or if he does not possess sufficient moveable property for the payment of the debt and the costs, or of any portion of the debt and costs which may be due, then if such defendant possesses any real estate, lands and tenements in the district of Quebec or in any other district in the Province of Quebec, a writ *de terris* for the seizure and sale of such real estate, lands and tenements, shall be issued from the Recorder's Court according to law, at the instance of the city treasurer, upon the return of the bailiff charged with the execution of the writ, setting forth the absence or insufficiency of moveable property.

Writ, to whom addressed.

**652.** The writ shall be addressed to the sheriff of the district in which the real estate is, and be returnable into the Superior Court of the district of Quebec.

Proceedings on writ.

**653.** The sheriff shall proceed upon the writ in all respects as provided by law in cases of sales of real estate by authority of justice, and shall make a return of the said writ and his proceedings upon it to the said Superior Court.

Oppositions, etc.

**654.** Any opposition, incidental claim or proceeding connected with the execution of the writ and the distribution of the moneys produced by the sale of the real property, lands and tenements, shall be made, filed and determined by the Superior Court as if the said writ had issued from it.

Seizure after judgment.

**655.** The Recorder's Court may issue writs of seizure by garnishment after judgment, in the same manner as the ordinary courts of civil jurisdiction, and shall follow in relation thereto the rules and procedure prescribed in such courts in relation to the issuing, return, and judgment, in matters of seizure by garnishment.

Execution of warrants of commitment after judgment.

**656.** Any warrant of commitment after judgment, issued by the Recorder's Court, may be executed in any judicial district of the Province by the sheriff or by any bailiff of the district in which the person to be arrested happens to be.

Imprisonment under different convictions.

**657.** In all cases, where a defendant shall have been condemned to imprisonment, or to imprisonment in de-

fault of payment of the fine imposed and of the costs, under different convictions, each additional period of imprisonment shall commence only at the expiration of a preceding period of imprisonment.

*Provisions regarding vagrants*

**658.** The police of the city, or any other peace officer <sup>Powers of</sup> or constable of the city, may bring before the said court, or <sup>police.</sup> before the recorder or the deputy recorder, and if he has no deputy, before the mayor or the alderman discharging the duties of mayor of the city, in the absence of the recorder or his deputy as aforesaid, any person offending as aforesaid against any of the provisions of this act or of the by-laws aforesaid, and any vagrant, loose, idle or disorderly person, and any person arrested as aforesaid, to be then and there dealt with according to law, as the Recorder's Court, the recorder, or his deputy, respectively, or the mayor or alderman aforesaid, may adjudge and determine.

**659.** The Recorder's Court, on due proof of the offence, <sup>Penalty.</sup> according to the law which regulates the said court, shall condemn any of the persons mentioned in article 658, to pay a fine not exceeding forty dollars, and, in default of immediate payment, to an imprisonment, with or without hard labour, for a space of time not exceeding four months, unless the said fine and all costs shall be sooner paid.

**660.** Whenever in the present or any other act rela- <sup>Imprison-</sup> tive to the city, or in any by-law, rule or order, as afore- <sup>ment in</sup> said, imprisonment is imposed, such imprisonment shall <sup>Quebec</sup> be understood to be in the common gaol of the district of <sup>gaol.</sup> Quebec.

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

## SCHEDULE A

In connection with Article 19.

## OATH TO BE TAKEN BY THE MAYOR AND ALDERMEN

I, A. B., having been elected mayor or alderman (*as the case may be*) of the city of Quebec, swear that I will fulfill the duties of the said office faithfully and to the best of my judgment and capacity; that I own, in the said city, for my own use, immoveable property of the value of at least five thousand dollars (*for the office of mayor*), and two thousand dollars (*for the office of the alderman for the seat No. 1*), and one thousand dollars (*for the office of alderman for seats No. 2 and No. 3*), over and above any rents, hypothecs or charges on such immoveable, and that I have not obtained the said property by fraud or collusion; that I will be faithful and bear true allegiance to the lawful sovereign of Great Britain and Ireland and of the British Dominions beyond the Seas, and that I will defend him to the best of my power from all conspiracies or attempts that may be made against His Person, Crown and Dignity; So help me God.

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SCHEDULE B

IN CONNECTION WITH ARTICLE 77.

POLL-BOOK.

437

Number of voters	Names of voters.	Profession.	Residence.	Proprietors, tenants or occupants.	Objections.	Sworn.	Refused to be sworn.	Votes given.	Electors voting after others have voted in their name.	Ballot-papers prepared with assistance of returning-officer.

## SCHEDULE C

In connection with Article 83.

## OATH TO BE TAKEN BY POLL-CLERKS.

I, A. B., swear that I will faithfully, punctually and impartially to the best of my ability, fulfil the duties of poll-clerk at the election of councillor or alderman (*or as the case may be*) for the \_\_\_\_\_ ward of this city, which election shall be held on the \_\_\_\_\_ day of \_\_\_\_\_ instant. So help me God.

## SCHEDULE D

In connection with article 86.

## BALLOT-PAPER FOR THE ELECTION OF THE MAYOR

<b>1</b>	ADAM (Pierre, merchant)	
<b>2</b>	BEAUDOIN (Alexandre, shoemaker)	<b>X</b>
<b>3</b>	MONGEON (Jacques, notary)	

.....  
ANNEX

SCHEDULE E

In connection with article 86.

BALLOT-PAPER FOR ELECTION OF ALDERMAN FOR SEAT

NO. 1

Election for . . . . . Ward	<b>1</b>	ADAM (Pierre, merchant)	
	<b>2</b>	BEAUDOIN (Alexandre, shoemaker)	<b>X</b>
	<b>3</b>	MONGEON (Jacques, notary)	

.....  
ANNEX

## SCHEDULE F

In connection with article 86.

BALLOT-PAPER FOR ELECTION OF ALDERMEN FOR SEATS

NOS. 2 AND 3

Election for.....Ward	<b>1</b>	AUGER (Jean, merchant)	
	<b>2</b>	GARIEPY (Pierre, carpenter)	<b>X</b>
	<b>3</b>	LANGLOIS (Arthur, notary)	

.....

 ANNEX

## SCHEDULE G

In connection with article 90.

## OATH OF AGENT OF CANDIDATE

I, the undersigned, G. H., agent for (*or* elector representing *as the case may be*) J. K., one of the candidates at the election now pending of an alderman for ward of the city of Quebec, solemnly swear that I will keep secret the name of the candidate for whom any of the voters, at the poll in which I will represent the said J. K., may have marked his ballot-paper in my presence at this election. So help me God.

(*Signature*) G. H.

Sworn before me at Quebec,  
this                    day of  
one thousand nine hundred and

A. B.  
Officer presiding at poll.

or C. P.  
Justice of the peace.

## SCHEDULE H

In connection with article 95

## VOTERS' OATH

I swear that my name is (*give the name*) and that I am the person named in the copy of the voters' list for the election of mayor or aldermen for (*here insert the ward*) ward of the city of Quebec, for the municipal elections, which is now shown to me; that I really have the right to vote; that I have not voted at this election for mayor and for any alderman in this ward; that I have not received, either directly or indirectly, any money, note or promise, nor reward for my vote; that the taxes, assessments, or rates due by me have not been paid, in whole or in part, by any person to induce me to vote for any candidate at this election; and that I am at least twenty-one years of age and a British subject. So help me God.

## SCHEDULE I

In connection with article 179

## QUALIFICATION OATH BY AUDITORS

I, A. B., having been appointed auditor for the city of Quebec, sincerely and solemnly swear that I will faithfully discharge the duties of that office, to the best of my skill and ability. So help me, God.

## SCHEDULE J

In connection with article 198

## OATH TAKEN BY ASSESSORS

I, A. B., having been appointed assessor for the city of Quebec, swear that I will fulfil the duties of the said office faithfully and to the best of my judgment and capacity; that I own, in the said city, for my own use, property of the value of at least one thousand dollars over and above my just debts, and that I have not obtained the said property by fraud or collusion; that I shall be faithful and bear true allegiance to the lawful sovereign of Great Britain and Ireland and of the British Dominions beyond the Seas; and that I shall defend Him to the best of my power from all conspiracies or attempts that may be made against His Person, Crown and Dignity, the whole without any equivocation or mental reservation whatsoever. So help me, God.

## SCHEDULE K

In connection with article 252

Public notice is hereby given that the assessment roll of the city of Quebec, for the                    ward of the said city, (or the supplementary roll for the                    ward of the city) is completed, and is now deposited in the office of the undersigned.

All persons whose names appear therein as liable for the payment of any assessment, tax or duty are hereby required to pay the amount thereof to the undersigned at his said office, within ten days from this day, without further notice.

City Treasurer.

Quebec, (date).

## SCHEDULE L

In connection with article 252

CORPORATION OF QUEBEC	CORPORATION OF QUEBEC
Mr.	Mr.
COPY OF ACCOUNT	To the corporation of the city of Quebec
Notice served \$	To assessments, &c., or water- rates, &c.
(Date of notice).	(Here state account)
COSTS,	SIR,
NOTICE,	Take notice that having fail- ed to pay the above-mentioned sum within the time prescribed by public notice, you are here- by required within fifteen days from the date hereof to pay the same to me at my office, together with the costs of this notice and service thereof, as below, in default whereof ex- ecution will issue against your goods and chattels.
	City Hall, Quebec, (date)
	Costs. (Signature)
	Notice,  City Treasurer.

SCHEDULE M

In connection with article 252

Province of Quebec,  
 City and District of Quebec. In the Recorder's Court, of the City  
 of Quebec.

The Recorder of the City of Quebec.

Debt		To any bailiff of the Recorder's Court of the City of Quebec, in the said city and district of Quebec.
Costs Warrant		
	\$	
	\$	

Whereas A. B., (*name and designation of debtor*), hath been required by the treasurer of the said City of Quebec to pay into his hands, for and on behalf of the said city, the sum of \_\_\_\_\_ being the amount due by him to the said city, as appears by the collection roll of the city for the year 19\_\_\_\_; and whereas the said A. B. hath neglected and refused to pay unto the said treasurer, within the period prescribed by law, the said sum of \_\_\_\_\_; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of eight days after the making of such distress the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do, on such day as shall be indicated to you by the said treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the treasurer of the said city, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under the hand of the clerk of the said Recorder's Court, at Quebec aforesaid, this day of _____ in the year of	}	T. X., Clerk, of the Recorder's Court.
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## SCHEDULE N

In connection with article 398

## I

## OATH OF ALLEGIANCE TAKEN BY POLICE CONSTABLES

I, A. B., sincerely swear and promise that I will be faithful and bear true allegiance to His Majesty King George V (or to the Sovereign then reigning), lawful Sovereign of Great Britain and Ireland and of the British Dominions beyond the Seas; that I shall defend him to the best of my power against all conspiracies and treasons or designs whatever that may be made against His Person, His Crown and Dignity, and that I shall use my utmost endeavors to disclose and make known to His Majesty, His Heirs and Successors, all conspiracies, treason or traitorous designs that I shall know to exist against Him or any of them; all this I swear without equivocation, restriction or mental reservation whatever, and renouncing all pardons and dispensations from any person or persons whatsoever to the contrary. So help me, God.

## II

## OATH OF OFFICE BY EACH MEMBER OF THE POLICE FORCE

I, A. B., of the city of Quebec, having been appointed a member of the police force of the said city, sincerely and solemnly swear that I will faithfully discharge my duties as a member of the police force, to the best of my skill and ability. So help me, God.

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