

C H A P. 91

An Act to amend the charter of the city of Quebec

[Assented to, the 3rd of April, 1925]

Preamble. **W**HEREAS the city of Quebec has, by its petition, represented that it is in the interest of the city and necessary for the proper administration of its affairs that its charter, the act 29 Victoria, chapter 57, and the acts amending the same, be amended; and

Whereas it is expedient to grant its prayer;

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

Annexation
of certain
territory to
city of
Quebec.

1. With the consent of the municipality of St. Colomb de Sillery, the following territory is annexed to the city of Quebec for all purposes, school and other, on the terms and conditions contained in a certain deed of agreement passed before C. Delagrave, Notary, on the 9th of June, 1924, between the city of Quebec and the Sillery Waterworks Company, in which the municipality of St. Colomb de Sillery intervened, which said deed is hereby ratified:

Description.

That portion of the municipality of St. Colomb de Sillery situated to the north of the property of the Q. R. L. H. & P. Co., known as lot No. 363, of a triangular shape and comprising the following cadastral numbers: northern part of 221-A, the southern part of 221-B, 220-2-A, 220-2-A-1, 220-2-A, 220-3-3, 220-3-2, 220-3-1, northern part of 220-4, northern part of 219 and the northern triangular part of 216, of the parish of St. Colomb de Sillery, and,—

That part of lot No. 363 of the cadastral plan of the said parish, measuring 66 feet in width throughout and running westerly from the Belvédère Road as far as the western boundary line of Holland Road, and, from this said boundary line, that part of 363 running westerly as far as the line which is the continuation of the western boundary line of the street known as Marguerite Bourgeoys in the city of Quebec, being also known as lot No. 48-A-158 of the cadastre of the parish of Notre-Dame-de-Québec (*banlieue*), which latter part of 363 bears also the number one of the subdivision of lot No. 203 of the cadastre of the parish of St. Colomb de Sillery.

Liability of
ratepayers.

The ratepayers whose properties are hereby annexed to the city of Quebec are bound to pay all taxes or contributions due by them at the time of the annexation and if not then paid the city of Quebec shall hereafter collect

the same and pay them over to the municipality of St. Colomb de Sillery.

The properties so annexed shall continue to be liable Liability of for their share of any existing liabilities of the municipality. properties.

Nothing in this section shall affect the rights of "The Reservation. Quebec County Railway".

2. Paragraph 33 of section 29 of the act 29 Victoria, 29 Vict., c. chapter 57, as replaced by the acts 29-30 Victoria, chapter 57, s. 29, 57, section 17, and 61 Victoria, chapter 52, section 27, and § 33, am. as amended by the act 3 Edward VII, chapter 61, section 11, is again amended by replacing the third paragraph thereof by the following:

"But such proprietor, occupant or tenant shall be Removal of required to make such removal from one-half only of such ice, etc., by street or lane, or from a width of thirty-three feet on a proprietors, public place, boulevard, or square or at the intersection etc. of streets, adjoining such house, building or property, in accordance with the by-laws made or to be made in that behalf by the council of the city."

3. The city may unite with the Government in appoint- Quebec Em- ing a commission for the embellishment of the whole extent bellishment of its territory. Such commission shall be composed of Commis- five members, three of whom to be appointed by the Gov- sion. ernment. This commission shall be known under the name of "Quebec Embellishment Commission". The powers and duties of such commission 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.

4. Section 12 of the act 7 Edward VII, chapter 62, is 7 Ed., VII replaced by the following: c. 62, s. 12, replaced.

"**12.** Section 1 of the act 62 Victoria, chapter 57, is re- 62 Vict., c. 57, s. 1, re- placed by the following: placed.

"**1.** In making out the electoral lists, the assessors Making of shall enter therein only the names of such tenants and oc- electoral cupants, not being proprietors, as have paid to the city all lists. their municipal assessments and taxes, or dues whatsoever, before six o'clock in the afternoon of the first of December then instant, and the names of the proprietors of immoveables who, before the said first of December then instant, have paid to the city all their municipal assessments, taxes and dues whatsoever payable on the thirtieth of April of the fiscal year previous to the last fiscal year."

5. The contract executed before Charles Delagrave, Contract ratified.

Notary, on the 24th of March, 1925, under number 7243 of his minutes, between the City of Quebec and The Quebec Railway, Light and Power Company, reproduced as Schedule A to this act, is ratified, confirmed and declared valid, legal and obligatory, and is part of this act, and the city is authorized to give effect thereto without any other formality.

By-laws
thereunder.

The city is authorized to put in force without any other formality the by-laws which it has bound itself to adopt in the said contract.

Provisions
not applica-
ble.

Article 6706 of the Revised Statutes, 1909, shall not apply to the said contract.

Recovery of
fines.

The fines imposed by the said contract shall be recoverable before the Recorder's Court of the City of Quebec in the same way as the other fines imposed under the municipal by-laws.

Idem.

The suits for the recovery of these fines shall be governed by the provisions concerning penal actions instituted before the Recorder's Court of the City of Quebec.

Powers.

The city of Quebec is authorized to exercise all the powers granted to it under its contract with the Quebec Railway, Light and Power Company, executed before Mtre. Charles Delagrave, Notary, on the 24th of March, 1925, and reproduced as Schedule A of this act.

Fees for cer-
tain associa-
tions or
clubs.

6. The city may charge a fee not to exceed five dollars for each authorization granted to associations or clubs asking to be incorporated under articles 7233 to 7245 of the Revised Statutes, 1909.

Tax ex-
emption for
Arena Com-
pany.

7. The city council may grant an exemption from taxes, except the water and school taxes, on the immoveables belonging to the Arena Company, for a period of ten years, and determine the conditions of the said exemption.

Taxes pay-
able by
Quebec
Rubber
Company.

8. The city council may make a by-law to enact that the Quebec Rubber Company shall pay taxes only on a yearly valuation not exceeding \$35,000.00, except the water and school taxes, for a period of ten years.

Guides'
licenses.

9. The city council may make by-laws to impose a license on any person acting as a guide for remuneration, in the limits of the city, and to define the conditions necessary to obtain such license.

14 Geo. V,
c. 88, s. 5,
replaced.

10. Section 5 of the act 14 George V, chapter 88, is replaced by the following:

Additional

"5. The city may also borrow any other amount which

it deems expedient and, for such purpose, issue bonds, borrowing debentures or inscribed stock, but only by virtue of and power. under a by-law which must be approved by the affirmative ^{Exercised} vote of at least the absolute majority of all the members by by-law. of the council.

This by-law must indicate under pain of nullity: ^{Contents of}

1. All the purposes set forth in detail for which the loan ^{loan by-law.} 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 immove- ^{Special tax.} ables 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, where- ^{Rate and} of the rate shall be fixed every year by resolution of the ^{apportion-} council, shall be annually apportioned, according to the ^{ment.} value of the taxable immoveables as appears in the valuation roll, during the period of the loan, and shall be entered in the annual real estate assessment roll.

No by-law of this nature shall be effective unless ap- ^{Approval of} proved by the Lieutenant-Governor in Council, on the ^{by-law.} recommendation of the Minister of Municipal Affairs, after it has been submitted to the approval of the owners of taxable immoveables situated within the limits of the city, whose names are entered on the real estate assessment roll then in force, and has been approved by the majority in number and in value of those who have voted.

One and the same by-law shall apply only to one loan ^{One loan by} for only one object, unless the loan is for several objects ^{each by-law.} of the same nature, but the voting on several by-laws of ^{Voting.} 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.

If several loan by-laws are thus submitted at the same ^{Idem.} time to the electors who are proprietors, the votes on each by-law shall be entered in separate poll-books.

Every bond, issued under a by-law adopted under the ^{Certificate} provisions of this act, shall, before delivery, bear a certi- ^{on bond.} ficate 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 whatever.

Submission date. After the current year, every by-law so subject to the approval of the owners of taxable immoveables within the limits of the city, in virtue of the foregoing, shall only be submitted for their approval on the third Monday in February of each year and subsequent days necessary to complete the voting."

7 Ed. VII, c. 62, s. 8, replaced. **11.** Section 8 of the act 7 Edward VII, chapter 62, is replaced by the following:

Filling of vacancy in office of mayor. "8. Should a vacancy arise in the office of mayor more than six months before the expiration of the term of office of the mayor whose seat becomes vacant, the election of a mayor for the balance of such term of office shall be made by the electors inscribed on the electoral lists then in force, and in accordance with the provisions governing the general elections of the mayor and aldermen, at the expiration of the council's term of office.

Idem. Should a vacancy arise in the office of mayor less than six months before the expiration of the term of office of the mayor whose seat becomes vacant, the city clerk shall, within the eight days 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."

Borrowing of certain amount authorized. **12.** The city of Quebec is by this act authorized to borrow a sum not to exceed two hundred and fifty thousand dollars to pay the cost of the following expenses:

Purposes.

- a. Seventy-five thousand dollars for sewage and aqueduct;
- b. Seventy-five thousand dollars for roads;
- c. Eighty-five thousand dollars for the ferry and enlargement of Dalhousie street;
- d. Fifteen thousand dollars for tunnel or underground passage at the crossing of Great Northern, on 1st Avenue, in the Limoilou Ward.

Effecting of loan. 2. To effect the loan mentioned above, the city may

issue bonds or registered stock certificates, from time to time when it may deem the same necessary, for the objects above mentioned; which bonds or stock certificates shall be for such sums as the city may deem suitable and shall be payable within a period of time not exceeding thirty years from the date thereof, at such rate of interest, not exceeding six per cent, as the council may determine.

3. The city may, by resolution, declare that the said loan shall be effected by means of short term bonds issued for a term of not less than two and not more than fifteen years, at such rate of interest, not exceeding six per cent, as the council may fix, 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 the loan. Effecting of loan.

4. The city shall provide for the payment of the bonds or registered stock certificates, the issue whereof is authorized by paragraph 2, either by paying on the capital of the said bonds or registered stock certificates, half yearly or yearly, at its option, a sum sufficient so that at the maturity of each bond or certificate the capital shall be paid, or by establishing a sinking-fund, in such manner as it may deem advisable, sufficient to pay the capital at maturity; such sinking-fund shall not be used for any other purpose than the payment of the bonds or registered stock certificates. The present loan shall not be subject to the provisions of sections 5 and 6 of the act 14 George V, chapter 88. Payment at maturity. Provisions not applicable.

13. Any provision of law to the contrary notwithstanding, whenever the city is called upon to pay the following loans, namely: eighty-five thousand dollars, authorized by 59 Victoria, chapter 47, section 23; thirty-two thousand dollars, authorized by 55-56 Victoria, chapter 50, and eight hundred thousand dollars authorized by 55-56 Victoria, chapter 50, and renewed under 5 George V, chapter 88, section 19, it may, by resolution of the council, repay the said loans by means of other loans to the amount of the balance due on each of them, after deducting the accumulated sinking-fund, and may, for such purpose, issue bonds or inscribed stock certificates, payable within a period of time not exceeding thirty years from their date, at such rate of interest not over six per cent per annum, as the council shall determine, and such bonds and inscribed stock certificates shall be subject to the provisions of paragraph 4 of section 12 of this act. Repayment of certain loans by other loans. Effecting of such loans. Provisions applicable.

The city may, moreover, if it deems it expedient, declare, by resolution, that the said loan shall be repaid by a short-term loan, in not less than two nor more than fifteen years, at such rate of interest, not exceeding six per cent, per annum, as the council may fix, and with a sinking-fund Repayment by short-term loan.

of not less than two per cent per annum, provided that each issue after the first shall be only for of the balance due on the said loan.

Father de
Brébeuf
monument.

14. The city of Quebec is authorized to pay a sum not exceeding two thousand dollars to assist in the erection of a monument to the memory of Father de Brébeuf and to deliver such sum in two annual payments of one thousand dollars each.

Pension of
Mrs. E. A.
Déry.

15. The city is authorized to pay Mrs. E. A. Déry, widow of the former Recorder of the city, a pension of one hundred dollars a month, for her lifetime.

Closing hour
for barber
shops.

16. The city council is authorized to enact by-laws to determine the hour for closing barber shops, in the city.

Reception
expenses of
British
marines.

17. The payment of the sum of one thousand dollars voted by a resolution of the council, on the 12th of September, 1924, to pay the expenses of the reception of the British marines, is ratified, and no member of the council shall be held liable for having voted such sum.

Bonne
Entente
expenses.

18. The city is authorized to pay the Bonne Entente Committee the sum of eight hundred and forty-six dollars and twenty-six cents to meet a part of the expenses incurred during the recent visit to Quebec of our compatriots of the Province of Ontario.

R. S., 3822,
am.

19. Article 3822 of the Revised Statutes, 1909, is amended by replacing the words: "one thousand seven hundred", in the second line of the first paragraph thereof, by the words: "three thousand".

2 Geo. V, c.
55, s. 5, re-
placed.

20. Section 5 of the act 2 George V, chapter 55, as amended by the acts 11 George V, chapter 110, section 21, and 14 George V, chapter 88, section 16, is replaced by the following:

Exhibition
Commis-
sion.

"5. 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 Department of Agriculture at Ottawa may be re-Ottawa presented on the Quebec Exhibition Commission by one ^{representa-} of its members, in which case the commission shall be ^{tion.} composed of six members.

21. Section 26 of the act 61 Victoria, chapter 52, as re-61 Vict., c. placed by the acts 63 Victoria, chapter 48, section 6; 3 52, s. 26, re- Edward VII, chapter 61, section 15, and 1 George V (2nd placed. session), chapter 59, section 22, is again replaced by the following:

"26. On the occasion of public rejoicings, of demonstra- Certain ex- tions of a public and popular character, of receptions of penditure foreign public bodies and of distinguished personages, for authorized. 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 finance committee, to vote or authorize the expenditure of an amount not exceeding fifteen thousand dollars in any one year, such sum to be taken from the fund reserved for unforeseen expenses.

The city is also authorized to vote a sum not exceeding Agricultural ten thousand dollars on such conditions as it thinks proper, and indus- for the holding of an agricultural and industrial exhibition ^{trial exhibi-} within or near the city limits."

22. In valuing lands under cultivation which have not Valuation been subdivided into city lots, situate within the limits of of lands the city of Quebec, the value of such lands shall be estab- under cul- lished according to their agricultural object only, and shall tivation. not exceed one hundred dollars an arpent, as long as they are used for farming, or have not been subdivided into city lots.

This section shall only apply to lands under cultivation Application. belonging to farmers by profession living on the revenue from their lands, as well as to religious communities cul- tivating their land for their own uses.

23. The debentures amounting to eight hundred and Validation thirty thousand dollars, authorized by by-laws 63 and of certain 64 of the city council (which by-laws have been submitted debentures. for the approval of the electors, who are owners of real estate within the limits of the city, on the 4th, 5th and 6th

Validation
of by-laws
and resolu-
tion.

of June last, 1924,), and by a resolution passed by the council, on the 23rd of January, 1925, are hereby declared legal and valid to all intents and purposes, and the by-laws and the resolution authorizing the issue of such debentures are hereby ratified and confirmed.

Daylight
saving.

24. The municipal council may, by resolution, change the period during which the hour may be advanced in the city of Quebec, 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 municipal council of the city of Montreal.

Resolution.

Such resolution shall be transmitted to the Provincial Secretary.

7 Ed. VII,
c. 62, s. 26,
Sch. S,
replaced.

25. Schedule "S" to the act 7 Edward VII, chapter 62, section 26, as replaced by section 19 of the act 12 George V, chapter 104, is again replaced by the following:

"SCHEDULE S

"Voters' oath

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 in another ward, nor for aldermen 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."

Coming into
force.

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

SCHEDULE A

On this twenty-fourth day of March, in the year one thousand nine hundred and twenty-five,

BEFORE CHARLES DELAGRAVE, a Notary Public, for the Province of Quebec, residing and practising in the City of Quebec,

PERSONALLY CAME AND APPEARED:

THE CITY OF QUEBEC, herein represented and acting through His Honour the Mayor, Joseph Samson, of the City of Quebec, merchant, duly authorized by a resolution of the City Council of the said City, passed at a sitting held on the 20th March, 1925, whereof a certified copy is annexed to these presents after being signed *ne varietur* by the aforesaid parties and Notary, party of the first part and hereinafter called "The City", and

THE QUEBEC RAILWAY, LIGHT and POWER COMPANY, body corporate and politic, having its chief place of business in the City of Quebec, herein represented by Mr. Joseph Eugène Tanguay of Quebec, its general manager, duly authorized to sign these presents by a resolution of the Board of Directors of the said Company, passed at a meeting held in Montreal on the 24th day of March instant, a certified copy whereof is annexed to the original of these presents after being signed *ne varietur* by the aforesaid parties and Notary, party of the second part, hereinafter called "The Company"

Which said parties have mutually covenanted and agreed as follows:

Whereas the Company, which, under the Act 62-63, Victoria, chapter 85, replaced The Quebec, Montmorency & Charlevoix Railway Company, has built, operates and maintains a system of tramways in the limits of the City of Quebec, in accordance with the provisions of a contract passed before J. Allaire, Notary, of Quebec, on the 17th of July, 1895;

Whereas the Company has proposed to the City a renewal of its franchise and whereas the latter does not wish to avail itself of its right to acquire the Company's railway system and is willing to give the Company a renewal of its privileges and, for this purpose according to law, a

resolution was passed by the City Council, on the 20th March, 1925, authorizing such renewal;

Whereas the City, moreover, intends to enact without delay a by-law for the above purpose, but whereas such by-law cannot be in force and have effect before the parties have entered into a notarial agreement;

Whereas the parties have convened and agreed as follows, and a memorandum of agreement should be drawn accordingly;

This agreement witnesseth:

1. It shall be lawful for the Company to operate, maintain and extend under the conditions hereinafter set forth a Railway in the City to carry passengers in cars run by electricity or otherwise, except by steam, in the streets or parts of streets where the tramways are presently running.

The City Council, may, in order to make the system more complete, by resolution and after a report to that effect by the Roads' Committee, oblige the Company to extend its lines in other streets, provided, however, the cost of such extension be justified by the needs of the population.

The Company shall not extend its lines in other streets before having been authorized to do so by the City Council.

2. It shall be lawful for the Company to carry freight on the whole of its lines in cars specially designed for such purposes, provided, however, that the passenger service shall in no manner be affected thereby. Such freight cars shall not carry passengers.

3. For the construction and future extension of the said Railway, it shall be lawful for the said Company to make openings or excavations in the said streets, to place and maintain therein iron posts to support its wires that carry electric power, but solely for the service of its cars and for no other purposes, and provided the City is not bound to furnish the Company with any ground, water or other things whatsoever.

4. All the work necessary for the construction and establishment of lines for the said Railway, including the laying of tracks and rails in the said streets, shall be carried out by the said Company with care and in the usual manner, the whole subject to the supervision and approval of the City engineer.

5. The gauge of the tracks of the said railway shall be four feet and eight and one-half inches.

6. The models of the rails and of the cars of the company shall in future be approved by the City Council.

7. After making excavations and laying rails and other apparatus required for the operation of the said Railway, the Company shall under the direction of the City engineer

remove the surplus earth and other substances taken out of the said excavations, and the City shall have the right to restore at the Company's cost such parts of the streets that have been torn open and to put them in the same condition as they were before, but, if in repairing the said streets, more expensive paving is substituted to the former one, the City shall only recover from the Company what the repairing of the streets would have cost with the materials previously employed, except in the event of repairs or alteration of the grades or of the change in the paving of a street as provided for by article nine.

8. In operating its present system of lines and in all future extensions the Company shall conform to the grade of the different streets through which its cars run.

9. If at any time, after the laying of the rails or the construction of the said Railway, the City alters the grade of one or more of the said streets, or makes a new paving of the same, the Company shall conform to the new grade or paving and execute, at its own cost, all the work rendered necessary on account of the change of grade or of paving; and it shall have no recourse for damages against the City on this account.

10. If, at any time, it becomes necessary for the City to make excavations in any of the said streets for the purpose of repairing, renewing or laying water or drainage pipes or sewers, or to search for defects in the same, or to thaw the ice or water in the said pipes, or for any other works that it may deem necessary, and if any disturbance or interruption of the traffic of the said Company ensues therefrom, the latter shall have no recourse for damages against the City on that account.

11. If the operation of the said Railway be disturbed or interrupted by reason of any works whatsoever carried on in the said streets by companies such as the Gas, Telephone, Electric Light, Telegraph or Steam Railway Companies or others, or if the said operation be disturbed or interrupted in any way or for any reason whatever by the said companies, the Company shall have no recourse for damages against the City therefor, but it shall not lose its right of action in damages against whatever person or company may be legally responsible.

12. When the Company commences to carry out work in any street it shall do so diligently and without interruption and to the entire satisfaction of the City engineer and of the Roads' Committee.

13. The Company is using the system known as the trolley system but in the event of a better system coming into general use, the Company shall be bound to adopt it, subject to the decision of three arbitrators to be named, one

by the City, one by the Company, and the third by the two first named arbitrators; the said change to be made at the expense of the Company. The said system may be ordered only in the event of its being justified.

14. The Company shall remove the snow and ice from the track between the rails of its railway and also on a width of two feet on each side of the said track, and it shall not use salt to melt the ice and snow, except on grades, curves and switches and on the sidings. During the summer season it shall also keep the said tracks in good order over the same width as in winter.

15. Should the City Council deem it advisable, it may order that the City engineer shall cause to be removed all or a portion of the snow and ice between the two sidewalks in the streets or parts of streets, through which the cars of the Company pass, including even the snow thrown or fallen from the roofs of the houses in the said streets; and on demand the Company shall be bound to reimburse to the City half of the cost of the removal of such snow and ice.

16. When the Company's cars are running on the said Railway the drivers of other vehicles shall keep out of the tracks in order to leave a free passage to the said cars. The City, in order to enforce the present clause, shall pass a by-law enacting that "any violation of the present by-law shall be punishable by a fine not exceeding forty dollars, and, on default of the payment of the said fine and costs, by an imprisonment not exceeding two months".

17. Upon recommendation to that effect by the Roads' Committee, the City Council may permit or oblige the Company to lay a double track for its said railway in the streets where such double tracks shall be necessary.

18. The cars shall circulate daily and without interruption throughout the year.

19. Each car or other vehicle employed by the Company shall be numbered on the outside.

20. The cars designed or used for the conveyance of passengers shall be used exclusively for this purpose; the name of the streets through which each car runs shall be plainly marked on the outside of such cars.

21. The Company shall not carry more passengers than the cars can conveniently accommodate and the number of passengers for each car shall be determined in advance by the City engineer with the approval of the Roads' Committee, and shall be indicated on a card posted both inside and outside of each car.

22. From time to time the company shall post within its cars time-tables showing the sections of the railway in

operation and the hours of the trips in each section, which time-tables shall be first approved by the City Council and shall be drafted both in French and English. These time-tables shall also be published in circular form to be distributed by the Company to its passengers.

23. All information conveyed to the public by the Company by means of notices or otherwise shall also be printed in both languages.

24. All the cars are to be run slowly and carefully while crossing intersecting streets, especially when turning corners and in places where there is much traffic, and also in business streets, but the speed of the cars shall at no time exceed sixteen miles an hour. The City, however, reserves for itself the right to change, by resolution, the above rate of speed.

The motormen shall cut off the current at every street-crossing.

25. The cars shall stop, when signalled to, at all points duly indicated and determined by an agreement between the Company and the City engineer. No car shall, except in a case of *force majeure*, block or obstruct any intersecting street.

26. No car shall stop longer than is necessary to allow passengers to enter or leave same.

27. It is forbidden to enter or leave the cars before such cars are completely stopped. The City shall without delay pass a by-law to give effect to the present clause.

28. Each car shall be equipped with air brakes or with other models of brakes approved by the City engineer. Each car shall also be equipped with a warning gong which the motorman shall sound when the car is at a distance of at least 40 feet from each crossing and whenever it may be otherwise necessary.

After sunset the cars shall be equipped with appropriated signal lights placed at both ends of the cars.

29. The conductors, the motormen, the inspectors and other employees having to do with the conveyance of passengers, shall speak English and French, and shall announce in both languages the names of the streets or stopping points on all the Company's lines.

30. As long as its cars run through Victoria Park, the Company shall maintain 10 lights in good order at such places in the park as the Roads' Committee will indicate.

31. The cars shall run from 5 o'clock A. M. until 1 o'clock A. M. on all the Company's lines.

32. The cars shall follow each other at intervals of not more than five minutes, except from 8 o'clock at night until 1 o'clock in the morning, during which space of time

they shall follow each other at intervals of not more than 10 minutes. The Council may by resolution modify the hours fixed for the tramway service in the various sections.

This last provision shall be applicable only in the parts of the City where such circulation is required for the needs of the public.

33. The cars shall be properly lighted and heated according to the weather and the season.

34. During the lapse of time between 5 o'clock in the morning and midnight, the Company shall not have the right to levy a fare of more than 7 cents for the conveyance of a passenger from one point to another; on payment of such fare each passenger shall, without additional charge, be entitled to obtain a transfer and to change cars at the points where the lines of the said Railway cross each other or meet, so as to be able to proceed, without interruption, from one point to another, within the present and the future limits of the City.

After midnight, the Company shall have the right to levy, from each passenger, a fare of 10 cents without right to a transfer.

There shall be no charge for the conveyance of children when carried in the arms of their parents, provided they do not occupy a seat. Children under seven years of age, if they occupy a seat, shall pay a fare of 3 cents, or 25 cents for 10 tickets.

35. The Company shall also sell its tickets in all its offices and its cars at the rate of 4 for 25 cents, and 17 for a dollar, and it shall issue tickets at the rate of 10 for 25 cents for the use of children of not more than 16 years attending schools, upon presentation of a certificate to that effect from the Director or Principal of such schools. The Company shall also sell other tickets at the rate of 6 for 25 cents to employees, which tickets shall be valid only from 5 to 8 o'clock in the morning and from 5 to 7 o'clock in the evening, every day, except on Sundays; such hours may be changed by a resolution of the Council provided the number of hours is not altered.

36. The City hereby grants leave to the Company to make use of a sufficient space, to be designated by the City engineer, in Montmorency Park, formerly occupied by the Parliament House of this Province, on the north side of Mountain Hill, for the purpose of constructing an elevator between the said ground and the base of the cliff for the transportation of its cars, pedestrians, horses or vehicles, loaded or unloaded, provided the said Company obtains, at its own expense, from the proper authorities or from the owners thereof, the right of way or the right to use any such

other ground that may be required for the construction of said elevator.

37. Should the Company, after erecting such an elevator, cease to operate it, the City, *ipso facto*, shall have the right to take possession of the ground which the Company binds itself to give back in as good order as it was when it received it. The City, however, shall have the right to acquire the undertaking to operate it for its own benefit if it prefers to do so or to assign its rights of operating it to any other party.

38. In the operation of the said elevator, the Company shall not be entitled to charge for its use higher rates than the following, to wit: For each trip: for pedestrians, three cents; for one horse and one cart, ten cents; for one cart with two horses, fifteen cents; for an automobile, fifteen cents.

39. The Company binds itself to employ, in the exploitation of the said Railway, persons residing and paying taxes in the City of Quebec, in preference to strangers.

40. The brakemen, conductors and inspectors shall wear a uniform in winter and in summer.

41. The Company also binds itself to pay the wages or salaries of its employees at least every two weeks.

42. The servants and employees of the Company shall not be obliged to work more than ten hours per day or seventy hours per week; and the Company and its officers and employees shall conform to all by-laws which the Council may deem advisable to adopt from time to time and to promulgate for the protection of the life and property of the public.

43. The Company shall guarantee the City and hold it harmless against all claims or suits for damages caused to anyone through the work of constructing, maintaining, repairing or operating the said Railway; the whole without prejudice to the right of the Company to defend itself.

44. If any municipality or any part of a municipality adjacent to the City be annexed thereto, the City Council may, by resolution, order the extension, through such annexed territory, of the Company's lines, and the Company shall be obliged to carry out the said extension within three months after the receipt of such order from the Council.

But such extension shall not be required if the said Railway be already constructed therein or if it be not justified by the needs of the population of the territory so annexed.

45. With the exception of its hydro-electric power-houses, the Company shall establish within the city limits its workshops, offices and other buildings, connected with the operation of its tramway system.

46 Insofar as it is possible, the rolling stock, material, equipment, generators and motors, required for the operation and working of the said Railway, shall be manufactured within the limits of the City of Quebec.

47. The said Company shall not transfer any of its rights and privileges, granted by these presents, nor its said Railway, to another Company or person, without the consent of the City Council, granted on the recommendation of the Finance Committee.

48. Whilst this contract is in force, the City shall not grant to any other person or Company the right to establish and operate an urban tramway service whether it be a surface, an elevated or an underground one, or to operate autobuses or other means of public conveyance which might compete with the service given by the Company, without first giving a preference to the Company at the same price and under the same conditions. However, the City may allow any person or company to operate a suburban service or from the parishes around Quebec and to have or establish stations within the limits of the City for the needs of such enterprise.

49. The privileges granted by the present contract to the Company to operate a railway system within the limits of the City shall be for a period of thirty years to run from the First day of July, One Thousand Nine Hundred and Twenty-Five, and the present contract shall take effect from that date.

50. The said Company shall be entitled to a renewal of said contract for a further period of thirty years at the same conditions then in force, unless the City prefer to expropriate the railway system by paying the value thereof plus 10% above the value, the said value to be determined by two arbitrators, one to be appointed by the City, and the other by the Company, and, in the event of the two arbitrators not agreeing, they shall appoint a third arbitrator, and the decision of the majority thereof shall be final and without appeal, and the City shall pay the amount established by the arbitrators before taking possession of the railway system, of the undertaking, accessories and belongings of the Company.

In case one of the parties should refuse or neglect to appoint its arbitrator within a delay of eight days from the date of the service upon it of a notice of the appointment of the other party's arbitrator, the arbitrator of the party in default shall be appointed by the president of the Quebec Public Service Commission or, in case such tribunal should then be abolished, by the Chief Justice of the Superior Court.

If the Company desires to take advantage of its privilege

to renew its franchise, it shall signify to the City its intention of continuing the contract at least twelve months before the expiration of same, in default of which, such privilege of renewal of the franchise shall be extinct and the City shall then have the right to take advantage of its right to expropriate and it shall be lawful for it to:

(a) Expropriate, and in such case the proceedings shall be under the authority of the Quebec Public Service Commission, unless from now until then a Tramway Commission shall have been appointed for the City of Quebec or for the whole Province, and in the event of either of the latter being appointed, one or the other of such Commissions shall have jurisdiction in the place and stead of the Quebec Public Service Commission;

(b) To acquire for this purpose by consent or by means of expropriation immovable property, rails, posts, wires, cars, contracts, franchises and accessories, useful for the operation of such system;

(c) To sell, assign or lease the system, which has thus been established, to any company, society or person, who shall undertake to operate it for the convenience of the public; or

(d) To assign and transfer for a fixed lapse of time, and subject to return after the expiry of the stipulated time, to any qualified company, society or person, the rights and powers conferred upon it by the above paragraphs *a*, *b* and *c*;

(e) In the events provided for in the above paragraphs *a*, *b*, *c* and *d*, the sale, assignment, lease or transfer shall be awarded after calling tenders in the ordinary manner, and subject to the previous adoption of a by-law determining all the clauses and conditions of the agreement to be entered into between the parties. Such by-law shall fix the amount and nature of the guarantees which shall accompany each tender and shall determine the procedure to be followed;

(f) Should a tenderer whose tender has been accepted make default, his guarantees shall be confiscated for the benefit of the City which shall become owner thereof.

51. If, at any time while this contract remains in force, either by reason of its insolvency or by reason of the repeal of its act of incorporation, the Company should cease or be forced to cease to operate, the City shall have the right by resolution to revoke the powers and privileges hereby granted and shall have the right to expropriate the railway system of the Company, the whole as provided for by Article 50 and in accordance with the provisions of its first paragraph (arbitration).

52. Dating from the first day of July, 1926, the Company shall, on the first day of July every year while the contract

is in force, pay over to the City a percentage of 5% on the total amount of its gross receipts derived from the whole of the operations carried out within the limits of the City of Quebec during the preceding year, by the undertaking which is the object of the present contract, whether by electric motors or other motive power, horse traction, autobusses, elevators or otherwise.

53. Dating from the 1st of July, 1925, the Company shall make, every three months, namely: on the first days of October, January, April and July, a faithful report, and it shall render to the City Council an exact account, in writing, of all its receipts, and it shall allow all its books, accounts, reports and vouchers to be examined and verified by the City Treasurer or by the City Auditor or by an Accountant named by the City Council.

The said reports and accounts of the Company shall be accompanied by a solemn declaration which shall be made by the President, the Vice-President or the Secretary-Treasurer or another officer of the Company appointed to audit such reports and accounts.

54. Should the said Company neglect to comply with or should it infringe any of the conditions or obligations imposed on it by the present contract, it shall incur thereby and shall be liable to a penalty not exceeding one hundred dollars (\$100) for every day during which it shall have neglected to comply with, or during which it shall have infringed any of the aforesaid conditions or obligations. The said penalty shall be recovered before the Recorder's Court of the City in the same manner as any other fine or penalty.

Moreover the City may, on giving prior notice to the Company, execute or have executed, insofar as its may be able so to do, any or all the obligations imposed by the present deed on the Company, at the latter's expense. The City engineer shall superintend the carrying out of this provision.

55. The Company shall pay to the City the water and school taxes on the immoveables or buildings connected with the purposes of the said electric railway; the said immoveables shall not be subject to other assessment. The City shall ask the Legislature to authorize the above provision.

56. The Company shall not allow smoking in any part of its cars and it shall have the right, if authorized by a resolution of its directors, to refuse to carry any passenger on board its cars with a lighted cigar, pipe or cigarette.

57. The Company shall carry gratuitously, on the whole of its railway lines and within the limits of the City, the members of the Municipal Police Force and of the Fire

Brigade and the employees of the Signal Service, provided such employees wear their uniforms. The Chaplains of these two bodies shall enjoy the same privileges.

58. In consideration of the Company securing the present franchise, it does hereby assign and transfer with warranty to the City which hereby accepts:

(a) A strip of land (St. Cyrille Street) which extends from Belvedere Avenue to Holland Avenue, the said strip being known as part of lot number three hundred and sixty-three (363) of the official cadastre of the parish of St. Colomb de Sillery;

(b) All the strip of land forming the prolongation of Lamontagne Avenue and Boiscclair Avenue, the said strip known as number three hundred and forty-two (342) and part of lot three hundred and thirty-A (330-A) of the official cadastre of the parish of St. Roch-North, of Quebec;

The City shall take immediate possession of these two strips of land. The only obligations of the Company shall be to remove the snow for the purposes of its operations and to fulfil, with reference to paving, the conditions set forth in the present agreement;

(c) The Company, moreover, assigns to the City, which hereby accepts, the immediate possession for the use of the public of a right of way on foot and in carriage and at all times on a strip of land known as number three hundred and thirty-A (330-A) of the official cadastre of the parish of St. Roch-North, of Quebec; the said right of way, which is situate to the south of the Company's track at that place, affords an outlet for the public between Lamontagne Avenue and François Premier Avenue. The Company assumes no charge or expense through the assignment of this right of way.

59. Unless it is expressly provided for in one of the clauses of the present deed, it is expressly understood that in the event of any difficulty or difference of opinion arising between the parties, or in the event of any disagreement between them, with reference either to this deed, or to any one or all the conditions herein stipulated, or with reference to the interpretation thereof or with reference to the execution of any or all the obligations assumed by the parties respectively, or with reference to any cause or matter relating thereto, be it foreseen or not foreseen by the present deed, the parties shall go before the Quebec Public Service Commission which they choose as a Court elect and to whose jurisdiction they shall be submitted for all the purposes hereinabove set forth.

Should this court cease to exist and in the event of another court being established to take its place, the latter

court shall have the powers and jurisdiction of the former for the purposes of these presents.

If from now until then a Tramway Commission for the City is established, or if a Provincial Tramway Commission is established, either one or the other of these tribunals shall have jurisdiction.

60. The Company shall pay the cost of the present deed and of two copies for the City.

WHEREOF ACT DONE AND PASSED, at Quebec, in the office of the undersigned notary, under number seven thousand two hundred and forty-three of his minutes, which being duly read to the parties was signed by them with me the undersigned notary.

(Signed) "JOSEPH SAMSON"
" " "J. E. TANGUAY"
" " "CHARLES DELAGRAVE,
N. P."

A true copy of the original remaining on record in my office.

CHARLES DELAGRAVE, N. P.

Quebec, March 24th, 1925.

At a sitting of the City Council held at the City Hall, on Friday, March 20th, 1925, it was

Resolved: That the report of the Tramway Committee be adopted and that His Honour the Mayor be authorized to sign a contract, in accordance with recommendations of the said report with its amendments, between The Quebec Railway, Light and Power Company and the City of Quebec, with the approval of its legal advisors, and that the Legislature be prayed to ratify the said contract for all legal purposes.

Certified a true copy.

(Signed) "F. XAVIER CHOUINARD",
Second Assistant City Clerk.

This is the resolution of the City Council mentioned in a deed entered into between The Quebec Railway, Light and Power Company, and the City of Quebec, before C. Dela-

grave, Notary, at Quebec, on March 24th, 1925, and annexed to the original of the said deed.

(Signed) "JOSEPH SAMSON"
"J. E. TANGUAY"
"CHARLES DELAGRAVE, N. P."

A true copy.

CHARLES DELAGRAVE, N. P.

Quebec, March 21st, 1925.

At a sitting of the City Council held at the City Hall, on Friday, March the 20th instant, it was

RESOLVED:

That the General Committee of the Council *re* the renewal of the Quebec Tramway franchise recommends that the Council do enter into the agreement annexed to the present report, and forming part thereof, with its amendments, for the renewal of the contract and franchise of the Quebec Tramways.

Certified true copy.

(Signed) "F. XAVIER CHOUINARD"
Second Assistant City Clerk.

True Copy.

CHARLES DELAGRAVE, N. P.

Minutes of Meeting of the directors of The Quebec Railway, Light and Power Company, held at room 611, Power Building, Montreal, on Tuesday, March 24th, 1925, at 11.30 A. M.

Present: HOWARD MURRAY
W. S. HART
SENATOR J. P. B. CASGRAIN
JAS. WILSON.

The Vice-President, Mr. Howard Murray, took the Chair.

He laid before the Meeting draft of proposed contract between the Corporation of the City of Quebec and the Company, wherein the franchise for the operation of the street cars in the City of Quebec is renewed for a period of

thirty (30) years, with such changes and amendments as have been arranged between the Company and the City, and

Upon motion of Senator J. P. B. Casgrain,
Seconded by Mr. W. S. Hart,

It was resolved that Mr. J. E. Tanguay, General Manager of the Company, be and he is hereby authorized to execute this contract between the Company and the City embodying the franchise for the operation of street cars, and on behalf of the Company to do all things necessary in connection therewith.

Certified a true extract.

(Signed) "ARTHUR LEMOINE"

Assistant Secretary, Montreal, March 24th, 1925.

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This is a resolution of the Company mentioned in a contract executed by The Quebec Railway, Light, and Power Company and the City of Quebec, before C. Delagrave, Notary, at Quebec, on March 24th, 1925.

(Signed) "JOSEPH SAMSON"

" " "J. E. TANGUAY"

" " "CHARLES DELAGRAVE, N. P."

True Copy.

CHARLES DELAGRAVE, N. P.

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C H A P. 92

An Act to amend the charter of the City of Montreal

[Assented to, the 3rd of April, 1925]

Preamble.

WHEREAS the City of Montreal has, by its petition, represented that it is in the interest of the city and necessary for the proper administration of its affairs that its charter, the act 62 Victoria, chapter 58, and the acts amending the same, be amended; and

Whereas it is expedient to grant its prayer;

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

62 Vict., c.
58, s. 1, am.

1. Article 1 of the act 62 Victoria, chapter 58, as amend-