

C H A P. 100

An Act to amend the charter of the town of Cap de la Madeleine

[Assented to, the 29th of December, 1922]

Preamble.

WHEREAS the corporation of the town of Cap de la Madeleine, incorporated as a town by the act 8 George V, chapter 97, has represented, by petition, that it is expedient to amend its charter for the purpose of erecting the town into a city; of subdividing the city into wards; of preparing the electoral list of the municipality; of prescribing the mode of electing the mayor and aldermen; of authorizing by-laws concerning the subdivision of land, and the alignment of buildings; of appointing a manager to administer the city; and other matters in the interest and for the proper administration of the city; 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:

8 Geo. V, c.
97, s. 1,
replaced.
Short title.

1. Section 1 of the act 8 George V, chapter 97, is replaced by the following:

"1. This act shall be cited as "Charter of the City of Cap de la Madeleine".

8 Geo. V, c.
97, s. 2,
replaced.
Constitu-
tion of a
city cor-
poration.

2. Section 2 of the act 8 George V, chapter 97, is replaced by the following:

"2. The inhabitants and ratepayers of the said municipality are constituted a city corporation under the name of "City of Cap de la Madeleine", for municipal purposes."

Succession
to the rights,
etc., by said
corporation.

3. The corporation created by this act succeeds to the rights, obligations, privileges, properties, claims and actions of the town of Cap de la Madeleine, and the charter of the town of Cap de la Madeleine applies to this corporation, except as otherwise provided for by law.

Division of
the city of
Cap de la
Madeleine
into six
wards.
Ward No. 1.

4. The city of Cap de la Madeleine is divided into six wards, which shall be known and designated as Ward No. 1, Ward No. 2, Ward No. 3, Ward No. 4, Ward No. 5, and Ward No. 6.

Ward No. 1 includes all the territory comprised between the division line separating the city of Cap de la Madeleine from the parish of Ste. Marthe and a line passing through the centre of St. Maurice street and its

extension southward to the river St. Lawrence and northward to the limits of the city.

Ward No. 2 includes all the territory comprised between the above-mentioned line, in the centre of St. Maurice street, and a line in the centre of Rocheleau street and its extension southward to the river St. Lawrence and northward to the limits of the city. Ward No. 2.

Ward No. 3 includes all the territory comprised between the above-mentioned line, in the centre of Rocheleau street, and a line in the centre of Bureau street and its extension southward to the river St. Lawrence and northward to the limits of the city. Ward No. 3.

Ward No. 4 includes all the territory comprised between the above-mentioned line, in the centre of Bureau street, and a line in the centre of Bellerive street and its extension southward to the river St. Lawrence and northward to the limits of the city. Ward No. 4.

Ward No. 5 includes all the territory comprised between the above-mentioned line, in the centre of Bellerive street, and a line in the centre of Rochefort street and its extension southward to the river St. Maurice and northward to the limits of the city. Ward No. 5.

Ward No. 6 includes all the territory comprised between the above-mentioned line, in the centre of Rochefort street, as far as the southwest limit of the city along the east bank of the river St. Maurice. Ward No. 6.

5. Section 8 of the act 8 George V, chapter 97, is replaced by the following: 8 Geo. V, c. 97, s. 8, replaced.

“8. The municipal council of the city shall consist of a mayor and six aldermen. Four members of the council shall constitute a quorum.” Composition of the city council; quorum.

6. Article 5302 of the Revised Statutes, 1909, is replaced, for the city, by the following: R. S., 5302, replaced, for the city.

“5302. The aldermen shall be elected for two years, one for each ward, by the majority of the municipal electors who have voted.” Election of aldermen.

7. The present municipal council shall remain in office until the next general municipal elections, which shall be held on the 5th of July, 1923, if it be a juridical day, and, if not, on the next following juridical day. At this election the mayor and aldermen shall be elected. Remaining in office of the present council.

8. Sections 9, 10, 11 and 12 of the act 8 George V, chapter 97, are repealed. 8 Geo. V, c. 97, ss. 9, 10, 11, 12, repealed.

R. S., 5413,
replaced,
for city.
General
elections.

9. Article 5413 of the Revised Statutes, 1909, is replaced, for the city, by the following:

“**5413.** From and after the first general elections held under this act, the subsequent general elections shall be held on the 5th of July, every two years for the mayor and every year for three aldermen. If the 5th of July be a non-judicial day, they shall be held on the next following judicial day.”

Alternative
replacing of
aldermen.

10. For the July, 1924, election, the aldermen for wards 1, 3 and 5 shall be retired from office and replaced. For the 1925 election, the aldermen for wards 2, 4 and 6, or those who may have been elected to complete the term of office of the latter, should vacancies have occurred, shall be replaced, and so alternately each year.

Aldermen
re-eligible
for office.

Nothing in this section shall be interpreted as meaning that the aldermen, whose terms have expired, may not be again candidates for office.

R. S., 5374,
replaced,
for city.

11. Article 5374 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Electors'
lists, when
and how per-
pared.

“**5374.** Prior to the first of May of each year, there shall be prepared by the clerk, or under his direction, in conformity with the provisions of this act, in so far as they are not incompatible with the provisions of the charter of the city, a list for the municipality of the names of persons entered on the assessment roll of the municipality, and qualified to be entered in the electors' list.”

R. S., 5373,
replaced,
for city.

12. Article 5373 of the Revised Statutes, 1909, is replaced, for the city, by the following:

No person
indebted is
entitled to
vote.

“**5373.** No person qualified to vote as proprietor, tenant or occupant, shall be entitled to have his name entered on the electors' list for any of the wards of the municipality who, before the first day of April next preceding the expiration of the delay mentioned in article 5374, is indebted to the municipality for any taxes or water-rates (special taxes excepted).

Proviso.

This article shall deprive the proprietor of the right to be entered on the list for the ward only in which such taxes become due.”

R. S., 5376,
replaced,
for city.

13. Article 5376 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Names of
certain per-
sons omitted

“**5376.** In the preparation of the list, the clerk shall omit therefrom, and, from time to time, cause to be removed therefrom, the names of all persons who either are or who

may become deceased, also the names of minors, corporations employees referred to in article 5372, and of all others who are not entitled to have their names entered in such list.

During the month of April, any ratepayer may, under proper safeguards, examine the list in the office of the clerk, and if he finds therein the name of any person whom he may have reason to believe is not legally entitled to be entered, he may file with the clerk a signed statement, specifying the name and alleging the causes of disqualification; and, in each such case, the clerk shall make careful inquiry respecting the truth of such allegations, before permitting any name, thus objected to, to remain upon the list, when he certifies it."

14. Article 5383 of the Revised Statutes, 1909, is replaced, for the city, by the following:

5383. If the clerk has not made the alphabetical list of electors, or has not given or published the notice required by article 5379, by the third day of May, the judge of the Superior Court for the district, or, in the event of the absence of the district judge or of his inability to act, a judge of a neighboring district or the district magistrate, on summary petition of any person entitled to be entered as an elector in the municipality, shall appoint a special clerk to prepare the alphabetical list of electors."

15. Article 5395 of the Revised Statutes, 1909, is replaced, for the city, by the following:

5395. The list of electors shall come into force at the expiration of the thirty days following the expiration of the delay prescribed for the preparation of the list, or, if the list has been completed after the expiration of the said delay, within the thirty days after the notice given under article 5379, and shall remain in force until the month of June following its coming into force, and, thereafter, in all cases, until a new list is made and put into force under the authority of this chapter.

Notwithstanding the appeal to a judge of the Superior Court, or to a district magistrate in districts in which there is no judge of the Superior Court, touching a portion of the list, such portion of the list shall remain in force until the final decision of the court before which the said petition in appeal is pending."

16. Article 5415, of the Revised Statutes, 1909, is replaced, for the city, by the following:

Appointment of election clerk.

"5415. Ten days at least before the twenty-seventh day of June, at noon, in the year in which a general election is to be held, the returning-officer, by a commission under his hand, in the form E, shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one first appointed resigns or refuses or is unable to perform his duties as such clerk."

R. S., 5419, replaced, for city. Public notice of election.

17. Article 5419, of the Revised Statutes, 1909, is replaced, for the city, by the following:

"5419. Eight days at least before the twenty-seventh day of June in the year in which a general election is to be held, the returning-officer shall give public notice, in the form G, under his signature, setting forth:

Contents.

- a. The place, day and hour fixed for the nomination of candidates;
- b. The day on which the poll for taking the votes of the electors will be held, in case a poll is necessary;
- c. The appointment of the election clerk."

R. S., 5421, replaced, for city. Date of nomination of candidates.

18. Article 5421, of the Revised Statutes, 1909, is replaced, for the city, by the following:

"5421. The nomination of candidates at a general election shall be held on the twenty-seventh of June from noon to two o'clock in the afternoon. If such day be a holiday, it shall be held on the first juridical day following such date, and during the same hours."

R. S., 5461, am., for city.

19. Paragraph 33 is added, for the city, after paragraph 32 of article 5641, of the Revised Statutes, 1909;

Alignment of buildings, etc.

"33. To establish and regulate the alignment of buildings on lots, bordering on any street, road, avenue, highway, park, alley or lane, within the limits of the municipality, and to regulate what amount of land shall separate any building or construction from the line of the street, road, avenue, highway, alley, park or lane."

Manager's functions.

20. The council may, by by-law, approved by the majority of the city ratepayers and by the Lieutenant-Governor in Council, have an officer to be known as manager, whose functions shall be to administer the affairs of the city and to act as its executive officer. He shall be appointed by the council and the name of the person whom the council intends to appoint shall be mentioned in the by-law together with the annual salary to be paid him. He shall reside in the municipality during his tenure of office.

Appointed by council.

Residence.

Term.

He shall be appointed for four years.

He may resign by giving three months' notice in advance to the council. Resignation.

He may be dismissed by the council by a resolution adopted by the absolute majority thereof; which resolution shall be published in accordance with the provisions of articles 5571 and following of the Revised Statutes, 1909, concerning public notices. Dismissal.

This resolution may be submitted for the approval of the electors at the request of the manager, an alderman or ten electors. This request must be made within eight days after the publication of the resolution. It must be in writing and addressed to the clerk of the municipality. Approval of such dismissal by electors.

The question shall be submitted to the electors, who shall vote as provided by articles 5609 and following of the Revised Statutes, 1909, except that all the electors, whether proprietors or not, shall be permitted to vote. Vote of electors.

From the date of the publication of this resolution and until the result of the vote has been submitted to the council, it may take over the administration of the city's affairs, and, in such case and during such time, it shall, in addition to its own powers, be vested with the powers conferred on the manager by this act. If the resolution be ratified by the electors, the council shall proceed to appoint a new manager; if the majority of the electors vote against the dismissal of the manager, the latter shall immediately resume office, his salary to be paid to him for the time of his suspension. Taking over of the administration by council until result of vote.

21. After his appointment and before assuming office, the manager shall take an oath in accordance with form A of the Cities and Towns' Act, to well and faithfully discharge the duties of his office. Manager's oath.

He shall also furnish security in an amount to be fixed by a resolution of the council. Security.

22. The manager shall be the executive officer of the corporation, responsible to the mayor and council, and, under their control, shall supervise and manage all the business, departments and works of the corporation. Manager is executive officer of the corporation.

The duties and powers of the manager are as follows: Duties and powers:

a. Attend to all correspondence and communications addressed to the corporation and have same expeditiously dealt with by the employees;

b. Examine and sign weekly pay lists, if correct, and report thereon to the respective committees in charge of the different departments;

c. Examine all accounts due and, if exact, initial them,

after having been verified by the department of the treasurer, and report thereon for final payment to the respective committees in charge thereof;

d. Prepare for each regular committee meeting, in conjunction with the heads of departments, a complete report upon the work done during the preceding month, with suggestions and recommendations as to works to be undertaken during the following month;

e. Examine, and, if correct, certify all orders for the purchase of supplies, and report thereon to the committee in charge thereof;

f. Prepare all annual estimates in conjunction with heads of departments and report thereon to the respective committees in charge thereof;

g. Prepare in conjunction with heads of departments plans and specifications for work to be undertaken by contract, submit such plans and specifications to the members of the council for approval, and have the requisite notices published calling for tenders;

h. Open all tenders for contract work in the presence of the members of the council at a sitting thereof and, if necessary, advise as to what tenders should be accepted. All such tenders shall be opened simultaneously;

i. Make a careful study of all the city by-laws, including loan by-laws and orders of the council, and take the necessary measures to have them obeyed and executed;

j. Have all moneys voted by council employed for the purpose for which they are voted;

k. Examine all complaints and claims filed against the corporation and report thereon to the committee in charge thereof, or to its chairman;

l. Make a study of the various requirements and interests of the corporation and submit suggestions tending to economy and increased efficiency and the promotion of the welfare of the city and its citizens;

m. After conferring with the chairman of any committee, call a special meeting thereof, if he deems it necessary;

n. Attend all meetings of council and committees, with the right to express his opinion, after securing the chairman's consent, but without the right to vote;

o. Furnish, at the request of council and of its committees, all information, required of him, concerning his administration and the city's affairs.

Appoint-

23. All the officers and employees of the city, except

the clerk, shall be appointed by the manager of the city and may be dismissed by him at any time. ment of officers, etc., by manager.

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

C H A P. 101

An Act to amend the charter of The St. Francis Valley
Railway Company

[Assented to, the 29th of December, 1922]

WHEREAS The St. Francis Valley Railway Company Preamble.
has represented, by its petition, that it is opportune to make a certain amendment to its charter, the act 3 George V, chapter 83, as amended by the act 6 George V, chapter 73, and that it is expedient to grant its petition; Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 7 of the act 3 George V, chapter 83, as 3 Geo. V, e. replaced by the act 6 George V, chapter 73, section 1, is 83, s. 7, re- again replaced by the following:

“**7.** Five miles of this railway, in the section between Railway to Richmond or Melbourne and St. François du Lac, shall be be complet- built, before the 21st of December, 1924; and the railway ed before shall be completed before the 21st of December, 1928; December and if the said railway is not so commenced by the 21st, 1928. construction of at least five miles of the section between Richmond or Melbourne and St. François du Lac, and ten per cent of the capital stock of the company expended before the 21st of December, 1924, and if the railway is not completed and put into operation before the 21st of December, 1928, the power of building conferred upon the company shall cease and be null and void as respects so Power of building to cease if condition not accomplished. much of the railway as then remains uncommenced or uncompleted, as the case may be, notwithstanding article 6645 of the Revised Statutes, 1909.”

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