

2. Article 1286 of the Code of Civil Procedure is amended by striking out the figures "1278" in the third line thereof.

CHAP. 42

An Act to amend articles 1426 and 1427 of the Code of Civil Procedure, relating to vacant successions.

[Assented to 9th March, 1916]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Art. 1426, C.C.P., am. **1.** Article 1426 of the Code of Civil Procedure is amended by adding thereto two new paragraphs, as follows:

"No such appointment may be made, however, unless the application therefor has been served upon the Attorney-General, who may intervene to protect the interests of the Crown.

The delay after such service must be at least eight days."

Art. 1427, C.C.P., am. **2.** Article 1427 of the Code of Civil Procedure is amended by inserting therein, at the end of paragraph 2 thereof, the following words: "and to transmit a copy of such inventory to the Attorney-General."

Coming into force. **3.** This act shall come into force on the day of its sanction.

CHAP. 43

An Act to amend the charter of the City of Quebec.

[Assented to 16th March, 1916]

Preamble. **W**HEREAS the city of Quebec has, by its petition, represented that it is in the interest of the rate-payers, and of the proper administration of its affairs, that its charter be amended as set forth, and additional powers be granted it;

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

1. The city of Quebec is hereby authorized to borrow ^{Loan} an amount not exceeding four hundred and seventy-five ^{authorized.} thousand dollars, to pay the cost of the following, namely:

a. One hundred thousand dollars to pay for completing ^{Water} the forty-inch water main and other permanent works ^{main.} in connection with the waterworks;

b. Twenty-five thousand dollars in aid of the estab- ^{Tuberculosis} lishment of a tuberculosis hospital within the city of ^{hospital.} Quebec, or in its vicinity, on the express condition that the Provincial Government shall subscribe a similar amount for the said hospital;

c. One hundred thousand dollars for permanent works ^{Permanent} in Belvedere ward, seventy thousand dollars whereof ^{works in} shall be for the construction of St. Louis Boulevard, ^{Belvedere} and the balance for paving Ste. Foye Road, and for ^{ward.} other permanent works in such ward;

d. One hundred and fifty thousand dollars for perman- ^{In other} ent works in the other wards of the city; ^{wards.}

e. Fifty thousand dollars for permanant sidewalks; ^{Sidewalks.}

f. Fifty thousand dollars for the plant required by ^{Asphalt} the roads department, twelve thousand dollars whereof ^{plant, &c.} shall be for an asphalt plant.

2. For effecting such loan the city may declare, by ^{Term of} resolution, that such loan shall be payable within a short ^{loan.} term of not less than two years nor more than five years, and at such rate of interest as the council may determine, and without a sinking-fund.

3. In addition to the method of borrowing mentioned ^{Bond issue} in section 2, the city is authorized, for the purpose of ^{authorized.} effecting such loan, to issue bonds, or certificates of registered stock, as it may deem necessary, for the objects above mentioned; 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 fifty years from their date, with interest at a rate of not more than five per cent per annum, not including the cost of the loan and discount.

4. The city shall provide for the payment of the ^{Manner of} bonds or registered stock certificates, the issue whereof ^{payment} is authorized by section 3, either by paying on the capital ^{thereof.} 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.

29 Vict., c. 57, s. 29, am. **5.** The first clause of article 29 of the act 29 Victoria, chapter 57, is replaced by the following:

By-laws. **"29.** The council may, at any of its sittings at which an absolute majority of its members are present, pass by-laws:'".

33 Vict., c. 46, s. 18, am. **6.** Paragraph 2 of section 18 of the act 33 Victoria, chapter 46, is replaced by the following:

Issue of licenses. **"2.** All licenses shall be issued under the signature of the chief of police of the city, on the certificate of the city treasurer that the price of the license has been paid by the person applying for the said license."

Payment to tuberculosis hospital ratified. **7.** The payment of the sum of three thousand five hundred dollars to the *Société de Patronage de l'Hopital des Tuberculeux* as a contribution from the city for the current fiscal year 1915-1916, towards the maintenance of such hospital, is hereby ratified.

1 Geo. V (1910), c. 47, s. 26, re-placed. **8.** Section 26 of the act 1 George V (1st session), chapter 47, is replaced by the following:

Appeal from decision of Recorder's Court. **"26.** 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.

How taken. 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.

Transmission of record. 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."

29 Vict., c. 57, s. 37, am. **9.** Sub-paragraph *d* of paragraph 3 of article 37 of the act 29 Victoria, chapter 57, as amended by the act 5 George V, chapter 88, article 12, is replaced by the following:

"d. To the reserve fund, not less than one per cent. to meet unforeseen expenses;"

Special tax **10.** The council may, by by-law, impose and levy in

aid of hospitals and charitable institutions in the city only, a tax of one cent upon every entrance fee or for ^{on persons attending theatres, &c.} upon every person admitted into a theatre, a moving picture show, amusement or concert hall, circus, play-ground, race-course or any other place in the city where any show or performance of any kind is given at which an entrance fee is levied and exacted; compel owners, lessees or tenants of such theatres and places above mentioned, or any other person operating the same, to collect the said tax themselves, and account therefor to the city, under penalty of being personally responsible therefor; and adopt any other measure it may deem necessary for securing the collection of such tax, and even reserve to itself the exclusive right to sell tickets. And for every infringement of any by-law passed under this section by the person holding a license for any such theatre or any place above mentioned, the city may impose as a penalty, in addition to that already provided by the charter, the suspension or even the cancellation of such license.

The proceeds of such tax, after deducting the expense incurred by the city for the purpose of collecting the same or otherwise, shall be distributed among the hospitals and charitable institutions of the city, but in no case shall the tax be recoverable from the owners of places of amusement above mentioned. ^{Distribution of proceeds of tax.}

11. Section 8 of the act 55-56 Victoria, chapter 50, as replaced by section 45 of the act 7 Edward VII, chapter 62, is again replaced by the following: ^{55-56 Vict. c, 50, s. 8, replaced.}

"8. Every action, suit or claim against the city for damages is prescribed by six months, counting from the day when the right of action arose, any article or provision of the Civil Code to the contrary notwithstanding. ^{Prescription of claims against city.} But no such action, suit or claim can be instituted unless a notice containing the particulars of such claim and the address of the domicile of the claimant, be previously given to the said city within thirty days from the date on which the cause of the damage happened, and no such action or suit can be taken before the expiration of thirty days from the date of such notice.

The failure to give the above notice shall not deprive the claimants of their right of action, if they prove that they were prevented from giving such notice by irresistible force or for other reasons deemed valid by the judge or the court, subject to the act 29 Victoria, chapter 57, section 36, paragraph 35." ^{Exception.}

1 Ed. VII,
c. 42, s. 8,
replaced.

Navigation
in River
St. Charles
above
waterworks
dam pro-
hibited.

Riparian
owners
defined.

Guests to
have same
rights as
owners.

Tenants.

12. Section 8 of the act 1 Edward VII, chapter 42, is replaced by the following:

"8. All persons whomsoever, 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.

The following persons shall be deemed owners within the meaning of this paragraph:

a. Any person who was the owner, or occupant as tenant or usufructuary, on the 15th December, 1915, of a lot of land fronting on the said river St. Charles above the water-works dam of the city of Quebec;

b. Any person who may be the owner or occupant as tenant or usufructuary, after the 15th December, 1915, of a lot of land fronting on the said river St. Charles above the waterworks dam of the city of Quebec, 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.

The guests of such riparian owner making use of the latter's boats and under his responsibility, shall have the same rights as himself.

Twelve months from the date of his acquisition or occupation of a vacant lot fronting on the said river St. Charles, above the water-works dam of the city of Quebec, 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.

The tenant mentioned in sub-paragraph *b*, shall be a riparian owner, within the meaning of this section, only during such time as he lives on the said lot fronting on the river St. Charles, above the dam of the city of Quebec, in a dwelling house, chalet or cottage of the value of two hundred dollars or over.

One and the same lot fronting on the said river St. Charles above the waterworks dam of the city of Quebec, acquired or possessed, after the 15th 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 section."

13. The payment of the amount of fifteen hundred dollars in aid of the *Crèche* is ratified, and no member of the council shall be troubled through having voted such amount, and the council is authorized to pay a similar amount yearly to the said institution. Payment to *Crèche* ratified.

14. The payment of the sum of fifteen hundred dollars in aid of the Pure Milk Supply (*Goutte de Lait*) is ratified, and no member of the council shall be troubled for having voted such amount, and the council is authorized to pay annually for the same work a sum of not more than three thousand dollars. Payment to Pure Milk Supply ratified.

15. The city is authorized, by resolution of the council, to pay an amount not exceeding one thousand dollars to *L'Association d'Education Canadienne Française, del'Ontario*. Payment authorized to French Can. Educ. Assoc. of Ontario.

16. Section 10 of the act 2 George V, chapter 55, is replaced by the following: 2 Geo. V, c. 55, s. 10, replaced.

"10. The city is also authorized to expend two thousand five hundred dollars a year to pay the nurse and the rent of *La Ligue Antituberculeuse de Québec*."

17. The contract entered into on the 24th September, 1915, at Quebec, between the city of Quebec and the Public Service Corporation of Quebec, is declared valid for all lawful purposes; and the contracting parties are authorized to accomplish and carry out the conditions thereof, and to do all that is necessary for giving it effect. Contract ratified.

18. The extension, by resolution of the council dated the 7th January, 1916, of the exemption from taxation granted the Dominion Fish and Fruit Company for five years from the 1st May, 1915, is ratified. Exemption ratified.

19. Notwithstanding the failure to give the notice required by the charter, the city of Quebec is authorized to repay to Mr. Philippe Furois, of Quebec, a sum of three hundred dollars paid by him as water-rates for the years 1913-14 and 1914-15. Re-imbursment authorised.

20. When the next municipal elections are held, the council shall consist of sixteen aldermen, representing eight wards, the boundaries whereof shall be determined by the council between now and next session, without, however, Reduction in number of wards and aldermen.

altering the method of election or the representation of each of such wards.

Coming into force. **21.** This act shall come into force on the day of its sanction.

CHAP. 44

An Act to amend the charter of the city of Montreal.

[Assented to 9th March, 1916]

Preamble.

WHEREAS the city of Montreal has, by its petition, represented that it is in the interest of 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. 7, am.

1. Article 7 of the act 62 Victoria, chapter 58, as amended by the acts 3 Edward VII, chapter 62, section 2; 7 Edward VII, chapter 63, section 3; 8 Edward VII, chapter 85, section 2; 9 Edward VII, chapter 81, section 2; 1 George V (1st session), chapter 48, section 4, and 2 George V, chapter 56, section 2, is further amended by inserting therein, after the first paragraph thereof, the following:

Number and
composition
of wards.

"The thirty-one wards hereinabove enumerated shall for the future form only twenty wards, composed as follows:

1. St. James ward shall include East ward, Centre ward and St. James ward;
2. St. George ward shall include West ward and St. George ward;
3. St. Anne ward shall include St. Anne ward;
4. St. Joseph ward shall include St. Joseph ward and Ste. Cunégonde ward;
7. St. Andrew ward shall include St. Andrew ward;
6. St. Lawrence ward shall include St. Lawrence ward;
7. St. Louis ward shall include St. Louis ward;
8. Lafontaine ward shall include Lafontaine ward;
9. Papineau ward shall include Papineau ward;
10. St. Mary ward shall include St. Mary ward, and that part of the present Hochelaga ward bounded as