

CHAP. 47

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

[Assented to 4th June, 1910]

WHEREAS the city of Quebec has, by its petition, presented that it is necessary to amend its charter, and it is expedient to grant the prayer of the said petition; Preamble.

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 an amount of four hundred thousand dollars, two hundred thousand dollars of which being for the payment of the cost of the permanent works to be done in Limoilou ward, comprising the former municipality of the town of Limoilou, now annexed to the city of Quebec; seventy-two thousand dollars for paving St. Andrew's street; twenty thousand dollars for the acquisition of certain lands or servitudes of lands along the river St. Charles, above the dam of the city waterworks, in the parish of St. Ambroise, and to reimburse itself for the sum already paid for such object; fifteen thousand dollars to reimburse itself for the cost of the permanent works and retaining walls on Côte d'Abraham street, and for the compensation and damages paid in connection with such works, and ninety-three thousand dollars for other permanent improvements and works in the city. Loan for works in Limoilou ward, &c.

2. The sum of two hundred thousand dollars which the city is authorized to spend for permanent works in the new Limoilou ward, may be spent according to the terms and conditions presented in a report of the finance committee of the city, dated the 21st day of April, 1910, and passed by the municipal council of the said city on the 29th day of April 1910. How certain sum to be spent.

3. For the effecting of such loan, the city is authorized to issue bonds as it may deem necessary for the objects above set forth. The said bonds shall be for such amount as the city may deem advisable, and shall be payable within a period not exceeding fifty years from their date, with interest at a rate not exceeding four per cent per annum. Issue of bonds for loan.

4. The city shall provide for the payment of such bonds, either by paying on the principal of such bonds, every six months or every year, at its option, an amount sufficient to pay off the principal of each such bond at maturity, or by estab- Bonds how to be paid.

blishing 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 the said bonds.

5. The city is authorized to borrow an amount not exceeding five hundred thousand dollars in exercise of the powers granted under the authority of the act 7 Edward VII, chapter 62, sections 35 and 36 ; the said loan to be made in accordance with section 3 of this act.

6. The following paragraph is added to section 1 of the act 56 Victoria, chapter 50 :

“ The limits of the city of Quebec 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, on the demand of the Quebec Harbor Commission and dating from the acceptance of such demand, by the city council, in whole or in part.”

7. 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.

8. 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 owners 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.

9. 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 said owners of lots on either side of the said street.

10. 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 approval of the city council.

11. The council shall thereupon, by resolution, determine what materials shall be used in making the sidewalks ; and after the passing of the said resolution, the city engineer shall call for tenders for making such sidewalks in the same manner as tenders are called for paving streets.

12. 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 for the loan authorized by the foregoing sections of this act, the proceeds of the bonds to be exclusively devoted to paying the cost of such works. bonds to pay for sidewalks.

13. 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. Repayment of half of cost to city, &c.

14. 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.

15. If an immovable 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 immovable 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. Apportioning assessment between owners and tenants.

16. Proprietors of houses containing several lodgings or offices in the city, shall furnish the assessors in writing, when thereunto required, 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. 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. Statement to be furnished by certain proprietors.

17. 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 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. List of certain employees to be given, &c.

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

19. 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 assessors.

29 V., c. 57, s. 20 amended. **20.** Paragraph 1 of section 20 of the act 29 Victoria, chapter 57, as amended by the act 29-30 Victoria, chapter 57, section 7, is replaced by the following:

Notice of deposit of assessment roll.

“ 1. 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 said 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.”

Complaints, &c.

What assessors cannot sit.

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

Swearing of witnesses, &c.

22. 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.

Adjournments of sittings of board.

23. 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 a delay as possible,

Appeal to Recorder's Court.

24. Every ratepayer who has filed a complaint respecting an entry in or omission from the assessment rolls 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, &c.

25. 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 each 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 short-hand before the Recorder's Court, which by its judgment shall adjudge as to the cost of such depositions.

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. 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; and within five days the clerk of the Recorder's Court shall transmit the record to the office of the prothonotary of the Superior Court.

27. Subsection 3 of section 19 of the act 34 Victoria, chapter 35 is repealed. 34 V., c. 35, s. 19 amended.

28. Subsection 1 of section 30 of the act 29 Victoria, chapter 57 as amended by the acts 31 Victoria, chapter 33, section 11, and 39 Victoria, chapter 51, section 8, is replaced by the following: 29 V., c. 57, s. 30 amended.

"1. 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 undergone the 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 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 the same be ordered by resolution of the council." Reading of by-laws, &c.

29. It is forbidden to float timber on the river St. Charles above the dam of the city waterworks, in the parish of St. Ambroise, when such floating pollutes the waters of the said river. Floating of certain timber forbidden.

30. The city is authorized to build one or more free bridges over the river St. Charles to connect Limoilou ward with its other wards and to borrow for such purpose a sum of not more than one hundred and fifty thousand dollars. Building free bridges.

It may also subscribe in favour of any person, firm or company a certain amount to aid in building the said bridge or bridges. Subscriptions to help build same.

Such rights shall not be exercised by the city until it has obtained the consent of the North Shore Turnpike Trustees. What consent necessary.

The city may expropriate any land required for such purpose, in accordance with the provisions of its charter. Expropriation therefor.

31. The roads now under the control of the Quebec North Shore Turnpike Trust, and which are now within the city Certain roads when to be

maintained by city. limits, shall be maintained by the city and be under its control, when the city has built such bridges and opened them for travel.

59 V., c. 47, schedule A, replaced. **32.** Schedule A of the act 59 Victoria, chapter 47, as amended by the act 7 Edward VII, chapter 62, section 7, is replaced by schedule A to this act.

Act to form part of charter. **33.** This act shall form part of the charter of the city of Quebec.

Coming into force. **34.** This act shall come into force on the day of its sanction.

SCHEDULE A

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 alderman for seats Nos. 1 and 2, and one thousand dollars for seat No. 3, over and above any rents, hypothecs or charges on such immoveables, 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 the United Kingdom of Great Britain and Ireland, 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."

CHAP. 48

An Act to amend the charter of the city of Montreal

[Assented to 4th June, 1910]

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 grants its prayer ;

Therefore, His Majesty, with the advice and consent of the