

CHAP. 83

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

[Assented to 14th April, 1908]

Preamble.

WHEREAS the City of Quebec has, by its petition, represented that it is necessary to amend its charter, the act 29 Victoria, chapter 57, and the various acts amending the same, and whereas it is expedient to grant the prayer of such petition ;

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

51-52 V., c.
78, s. 69,
replaced.
Contents of
annexation
by-law.

1. Section 69 of the act 51-52 Victoria, chapter 78, is replaced by the following :

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

Assessments,
&c., in an-
nexed terri-
tory.

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

By-law of
November
9th, 1907,
declared *intra*
vires.

The by-law passed by the council of the city of Quebec, on the ninth of November, one thousand nine hundred and seven, respecting the annexation of the municipality of the village of St. Malo, is declared to be within the powers of the city of Quebec.”

29-30 V., c.
57, s. 32,
amended.
Bailing of
persons ar-
rested on
view.

2. The first paragraph of sub-section 16 of section 32, of the act 29-30 Victoria, chapter 57, is replaced by the following :

“ **16.** Any person arrested on view for an offence against any provincial law or against the by-laws of the city, may be admitted to bail by a justice of the peace or by the sergeant, or other officer or peace officer then in charge of the police station, who shall accept as sureties only persons of known solvency for the appearance of the person so arrested before the said Recorder's Court, on the day named in the recognizance.”

Summons
before the
Recorder's
Court.

3. Whenever any person is accused of an offence against the provisions of the charter or of a by-law of the city, and the person so accused is not taken and arrested on view, he may

be summoned by a writ of summons to appear before the said Recorder's Court to answer unto the complaint clearly and succinctly set forth in the said writ. Such writ of summons shall be served by any bailiff or peace officer, provided, however, that, in the case of an offence punishable by fine or imprisonment under the charter or by-law, as aforesaid, proceedings may be taken against the offender, either by writ of summons, as aforesaid, or by a warrant of arrest issued by the Recorder on an affidavit laid before him.

Service thereof.

Warrant of arrest.

4. Section 36, of the act 7 Edward VII, chapter 62, is replaced by the following :

7 Ed. VII, c. 62, s. 36, replaced.

" 36. For the fulfilment of the objects mentioned in the foregoing article, the said city has the right to acquire, lease or hold, both within and without the limits of the city, all properties, water-powers, workshops, conduits and works whatsoever, and to exercise, for such purposes, within the city all the rights of expropriation it now possesses for improvements and public works in the city."

Acquisition, &c., of property for water-works.

5. Section 34, of the act 7 Edward VII, chapter 62, is amended by adding the following paragraph thereto ;

Id., s. 34, amended.

" The amount of the taxes for carrying on any business, trade or occupation, in the city, by persons residing outside its limits, but theretofore paying no municipal tax to the said city, may be different from the amount of the said taxes exacted from persons residing therein, and such taxes may be levied in the form of permits or licenses."

Business tax on outside residents.

6. Sub-sections 2 and 3, of section 62, of the act 29-30 Victoria, chapter 57, are amended, by adding the following paragraph thereto :

29-30 V., c. 57, s. 62, amended.

" The complaint, in the cases above mentioned, may also be made by any person taking an interest in such minor child or female minor."

Others who may make complaint.

7. Section 2, of the act 60 Victoria, chapter 59, is amended by adding thereto the following paragraph :

60 V., c. 59, s. 2, amended.

" Bagot street, in its extension to St. Joseph street, may be of a width of not less than thirtyfeet."

Width of part of Bagot street.

8. Sub-sections 2 and 3, of section 1, of the act 33 Victoria, chapter 46 ; section 3, of the act 33 Victoria, chapter 46 ; and section 44, of the act 51-52 Victoria, chapter 78, are repealed.

33 V., c. 46, s. 1 subsect. 2 and 3; 33 V., c. 46, s. 3; and 51-52 V., c. 78, s. 44, repealed.

9. From the date of the sanctioning of this act the extent of territory hereinafter described, bordering on the city and acquired by it from one Frederick Canac dit Marquis under

Certain territory annexed to city.

deed of sale passed before Jos. Savard, Notary, on the 23rd August 1907 and registered the 24th day of August 1907, shall be and remain annexed to the city of Quebec and shall form part thereof to wit: a lot of land of irregular shape in the parish of St. Melo, forming part of the undivided portion of lot number two thousand three hundred and forty two (2342) on the official plan and book of reference of the cadastre of the parish of St. Sauveur, the said lot being bounded as follows: to the North by the river St. Charles; to the South partly by the line of the Canadian Pacific Railway or their representatives and partly by the land belonging to the Imperial Oil Company or their representatives; to the East by the land of the Reverend Sisters of the Ursulines of Quebec or their representatives; to the West partly by the said Imperial Oil Company or their representatives, and partly by the road leading to the Aqueduct Bridge; and the limits of the city are accordingly changed.

33 V., c. 46,
s. 1, amended

10. Subsection 3 of section 1 of the act 33 Victoria, chapter 46 as amended by section 48 of the act 7 Edward VII, chapter 62 is replaced by the following:

Salary of
mayor.

"3. The mayor shall receive out of the funds of the city the sum of \$3,000.00 annually."

59 V., c. 47, s.
27, amended.

11. Section 27, of the act 59 Victoria, chapter 47, is amended, by replacing the form of schedule A, by the following:

Form of oath.

"I, A. B., having been elected mayor (or Alderman, as the case may be), of the city of Quebec, swear that I will fulfil the duties of the said office faithfully and to the best of my judgment and capacity; that I own, in the said city, (in the case of the mayor), for my own use, immoveable property of the value of five thousand dollars, at least, (of two thousand dollars at least, in the case of aldermen for seat No. 1 and No. 2, and of one thousand dollars, at least, for aldermen for seat No. 3), over and above my just debts, and that I have not obtained the said property by fraud or collusion; that I shall be faithful and bear due allegiance to the lawful Sovereign of the United Kingdom of Great Britain and Ireland, and that I shall defend him to the best of my power from all conspiracies or attempts that may be made against his person, crown, and dignity—the whole without any equivocation or mental reservation whatsoever—so help me God."

55-56 V., c.
50, s. 2,
amended.

Contract for
ferry service.

12. Section 2 of the act 55-56 Victoria, chapter 50, is amended by adding thereto the following paragraphs:

"Any contract which may be passed with an individual or a company to establish a ferry service between the said city and the south bank of the river St. Lawrence, shall have no force or effect until approved by the Lieutenant-Governor in Council.

The city, shall, two years, at least before the expiration of such contract, call for tenders, in the ordinary manner, for the renewal thereof. Calling for tenders therefor.

A delay of eighteen months however shall be sufficient for the calling of tenders for renewal of the present contract." Proviso.

13. This act shall not affect pending cases.

Pending cases.

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

Coming into force.

SCHEDULE

No. 419

CITY OF QUEBEC

CITY OF QUEBEC,
DISTRICT OF QUEBEC

}

A BY-LAW

To annex to the CITY OF QUEBEC THE MUNICIPALITY OF THE
VILLAGE OF ST. MALO.

(Drawn up in the French Language.)

At a meeting of the city council of the city of Quebec, held at the city hall, in the said city of Quebec, on the twenty-ninth day of November, one thousand nine hundred and seven (1907), in conformity to law, and in virtue of a by-law passed by this council pursuant thereto, and after the due observance of all the formalities prescribed by the statute in such case made and provided, at which meeting are present two-thirds of the members composing the council of the city of Quebec, that is to say :—

His Worship the Mayor, Aldermen Barbeau, Barry, Be-
dard, Brunet, Campbell, Duquet, Fiset, Foley, Fortier, Gali-
lipeault, Hall, Hogan, Huard, Lavigueur, Lemay, Mathieu,
Messervey, Mulrooney, Paquin, Shink, St. Pierre;

It is ordained and enacted by the municipal council of the city of Quebec, and the said council ordains and enacts as follows :—

1st. The municipality of the village of St. Malo shall form one of the wards of the city of Quebec, the limits of which shall be the limits of the municipality as they presently exist and shall be known under the name of " St. Malo Ward."

2nd. St. Malo Ward shall be represented in the city council by an alderman who shall be elected in the manner prescribed by the city charter, by the municipal electors of the territory thus annexed, possessing the qualifications required by the city charter for seat No. 3, and a list of which shall have been previously prepared by the secretary-treasurer of the municipality thus annexed, who shall transmit the said list to the city clerk.

When the increase of the number of tax-payers in St. Malo Ward shall justify a change, the representation of the said ward in the city council shall be raised to the same figure as that of the other wards, and the said change shall be decided upon by a by-law of the council to that effect.

3rd. When the said alderman shall have been elected as provided by law and shall be in a position to take his seat in the council of the city of Quebec, the secretary-treasurer of the village of St. Malo shall deliver into the hands of the city treasurer all the minute-books or other registers, rolls of assessment or valuation, archives, papers, and all documents whatsoever belonging to the council of the municipality of the said village, and also all sums of money which may be in his possession in his quality of secretary-treasurer, and, from the date of said delivery, all sums of money due or to become due to the former municipality of the said village of St. Malo shall be payable only to the city treasurer.

4th. From the date of the enforcing of the annexation, the city of Quebec, shall be alone responsible for all debts contracted by the municipality of St. Malo, and all the moveable and immoveable property belonging to the said municipality shall become and be the property of the city of Quebec.

5th. All carters, bakers, milkmen, or other persons residing in the said village who, when the said annexation shall come into force, may have obtained from the city licenses for the exercise of their trade or occupation in the said city for the current civic year, may obtain from the city the reimbursement of any excess which they may have paid over and above the sum paid for similar licenses by persons residing in the city.

6th. From the date of the annexation until the 30th of April, 1908, no taxes shall be levied in the new ward but those which shall have been imposed by the council of St. Malo.

7th. From the first of May, 1908, the tax-payers of the new ward shall pay the water rates and the school tax at the same rate as that imposed for all other wards.

The payment of all other taxes and assessments shall be governed by the following article :—

8th. For the period of ten years, beginning the 1st of May, 1908, and finishing the 30th of April, 1918, all buildings actually existing in St. Malo and all others which may be erected

from this date to the 30th, of April, 1913, shall not be assessed at a rate higher than that existing at present in St. Malo.

Lots which are at present vacant shall be subject only to the rate of taxes at present in force in St. Malo, until the 30th April, 1913. After that date, they shall continue under the said rate as long as they remain vacant, and that, until the 30th of April, 1918.

All new buildings erected after the first of May, 1913, shall be subject to the same taxes as may be in force throughout the city.

9th. From the 1st of May, 1918, all immoveable properties in St. Malo shall be subject to the ordinary taxes and assessments of the city of Quebec.

10th. The corporation of the city of Quebec, within a delay not to exceed a year, from the 1st of May, 1908, shall introduce water of the city water-works and construct drainage pipes for the drainage of all the streets in the new ward, where the annual estimated revenue of the water rate shall be equal to at least 4 per cent of the cost of the introduction, and shall also build the gully wells and hydrants wherever necessary.

11th. The streets of the new ward shall be macadamized gradually as need may be, and the city shall provide the lighting of the said streets where necessary,

12th. The sale of meats or other provisions in private stalls shall be allowed in St. Malo ward upon the obtaining of a license for that purpose. The annual rate of such license shall be determined by the city council, but from now until the 1st of May, 1913, the said rate shall not exceed the sum of (\$30) thirty dollars.

13th. The present by-law shall come into force as soon as it shall have been approved and ratified by act of the Legislature of this Province.

J. GEO. GARNEAU,

Mayor

Attested. (L. S.)

H. J. J. B. CHOUINARD,

City Clerk.
