

the returning officer with the nomination papers of the controllers.

Repeal of
by-laws.

19. Any by-law for the establishment of a board of control, or to change the mode of choosing the members thereof can only be repealed by another by-law passed in the month of December of each year.

Coming into
force.

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

CHAP. 88

An Act to amend the charter of the city of Hull

[Assented to 14th April, 1908]

Preamble.

WHEREAS the city of Hull has, by its petition, prayed for an act to amend its charter, and 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 :

56 V. c., 52
s.1, amended.

"Water-
rates" de-
fined.

1. The thirteenth paragraph of section 1 of the act, 56 Victoria, chapter 52, is replaced by the following :

"The words "water rates" shall designate the price or value of water supplied by the city for domestic purposes or for fire protection, as fixed under the provisions of this act or of any by-law passed in virtue hereof."

Id., s. added
after s. 10.

2. The following section is added after section 10 of the said act, as replaced by the act, 4 Edward VII, chapter 56, section 1 :

By-law to
shorten term
of office of
aldermen.

"**10a.** Nevertheless the city council shall on or before the first day of September, 1908, submit a by-law for the approval of the municipal electors, restricting the period of the re-election of the several aldermen to one year only ; such by-law shall have force of law with regard to all aldermen subsequently elected after its approval by the majority of the electors entitled to vote at municipal elections and who shall have voted.

What law to
apply.

For the purpose of ascertaining whether such by-law is approved or not, sections 81 and following of the charter of the city of Hull, 1893, shall apply, *mutatis mutandis*."

3. The following section is added after section 16 of said *Id.*, s. added after s. 16.
act :

“ **16a.** Should the property upon which the qualification of the mayor or of any alderman depends, be wholly or partially destroyed by fire or other fortuitous event during his term of office, such mayor or alderman shall not thereby be incapacitated from completing such term.” Qualification not ended by loss of property by fire, &c.

4. Section 19 of the said act is replaced by the following : *Id.*, s. 19, replaced.

“ **19.** If any person, holding the office of mayor or alderman, is declared bankrupt, or becomes insolvent, or applies to take the benefit of any act for the relief of insolvent debtors, or compounds with his creditors, or takes or enters into holy orders, or becomes a minister or teacher of any religious sect, a judge or clerk of any court, or a member of His Majesty's Privy Council or of the Executive Council of the Province of Quebec, or becomes accountable in any way for the city revenue, or enters into the employ of the city, or is absent from the city more than two months continuously or from the meetings of the council for more than two months consecutively, unless in case of illness, or with leave of the council, or, directly or indirectly, becomes a party to, or security for, any contract or agreement with the city for the performance of any work or duty, or derives any interest, profit or advantage from such contract or agreement to the extent of fifty dollars, then and in every such case, such person shall thereupon immediately become disqualified and shall cease to hold such office of mayor or alderman, as the case may be, upon resolution to that effect.” Case in which office of mayor, &c., becomes vacant.

5. Section 23 of the said act is amended by adding after the fifth paragraph thereof the following : *Id.*, s. 23, amended.

“It is the duty of the presiding officer to appoint for each polling subdivision where a poll is to be held, a deputy returning-officer, to whom is entrusted the holding of such poll.” Deputy returning-officer.

6. The second paragraph of section 23 of the said act is replaced by the following : *Id.*, s. 23, par. 2, replaced.

“The nomination of candidates for the office of mayor and alderman shall take place at the City Hall of the city of Hull, at the hour of ten in the forenoon, and shall be closed at the hour of eleven in the forenoon of the same day. During such time the city clerk acting as presiding officer, shall nominate for the office of mayor and alderman all persons nominated in writing by at least five electors qualified for each ward respectively in the case of an election of aldermen, and by twenty qualified electors in the case of election of mayor.” Nomination of candidates for mayor, &c.

Id., s. 24, amended. **7.** Section 24 of the said act is amended by adding the following paragraph thereto :

Replacement of deputy returning-officer at poll. "The presiding officer may replace temporarily during the voting any deputy returning-officer who is obliged to absent himself from his poll."

Id., s. 62, replaced. **8.** Section 62 of the said act is replaced by the following :

Bars, &c., to be closed on election days. " **62.** No person shall keep open, within the city, any bar, hotel or club, any tavern, shop or store, whether licensed or not, in which spirituous or fermented liquors are ordinarily sold, during the day of the general municipal elections, nor within any ward of the city wherein a poll is to be held for a partial election under penalty of a fine of one hundred dollars and under a like penalty if he sell or give spirituous or fermented liquors to be drunk during the day of voting."

Id., s. 86, amended. **9.** Section 86 of the said act is amended by adding thereto at the end thereof, the following paragraph :

Assistants to city clerk. "The city clerk may name one or more assistants to aid him in the recording of the votes."

Id., s. 135, amended. **10.** Section 135 of the said act is amended by adding the following paragraph thereto :

Opening of front roads, &c. "Order the opening of any front road along the concession lines in any part of the city exclusively used for agricultural purposes."

Id., s. 139, par. 2, replaced. **11.** The second paragraph of section 139 of the said act is replaced by the following :

Distribution of hand-bills, on Sunday. "Prohibit the distribution of printed hand bills or circulars at church doors or in the streets" on Sundays.

Id., s. 147, replaced. **12.** Section 147 of the said act as replaced by the act, 4 Edward VII, chapter 56, section 8, is again replaced by the following :

Order by council to make certain improvements, &c. " **147. a.** Whenever the majority in number of the proprietors or occupants of immoveables in any street or part of a street in the city who are also the proprietors or owners of one-half at least of the total frontage to be affected, shall by a petition addressed to the council, require the making of any improvements whatsoever on or under such street or part of a street, the council may order such improvements to be made, and may regulate the manner of levying and collecting a sufficient assessment to defray the cost thereof on the proprietors who may be interested in such improvements or on all the proprietors or occupants of immoveables opposite to which such improvements may be made.

Signatures to **b.** The signatures to all such petitions shall be attested

by at least one credible witness who was present at the execution thereof and saw the signature affixed thereto. petitions, now attested.

c. Every such petition received and approved of by the council, shall immediately thereafter be examined by the city clerk who shall ascertain and finally determine whether the same is sufficiently signed both with respect to number and extent of frontage, and if found correct, he shall endorse upon or append to it a certificate certifying to the correctness thereof and to the whole value of the property to be assessed for such improvement, according to the valuation roll then in force, and shall forthwith transmit the same to the city engineer for his report thereon. Examination of petition by city clerk, &c. Certificate by city engineer.

d. The city engineer shall proceed at once to ascertain and finally determine what immoveables will be benefited by the proposed improvement, and shall make a measurement of the frontage liable to the assessment for the cost of such improvement, and shall ascertain and determine the proportions in which the assessment of the final cost thereof is to be made on the various proprietors or occupants, as the case may be, and shall make his report to the council. Decision as to what immoveables benefited.

e. The report of the city engineer shall specify:

- (1) The character and extent of the proposed improvement; Contents of city engineer's report.
- (2.) The probable lifetime thereof;
- (3.) The immoveables immediately benefited thereby;
- (4.) The probable cost thereof, apportioning the same between the parties liable therefor;
- (5.) A plan of the said improvement ;
- (6.) The measurement of the frontage liable to the assessment for the cost of the improvement.

f. The report of the city engineer shall be delivered to the city clerk who shall keep the same open for inspection in his office for at least ten days before the final decision of the council. Deposit of report with city clerk, &c.

g. When any immoveable shall be situated on two or more streets or on one or two streets and a public place, the council shall decide what proportion or part of the said immoveable is benefited by the said improvement made in such street or public place, and the city engineer shall govern himself accordingly. Immoveable on different streets.

h. The city clerk shall mail to each of the proprietors or occupants of the immoveables liable to pay such assessments, a notice of the intention of the council to undertake the work, and that a statement showing the immoveables liable to pay the said assessment and the names of the proprietors or occupants as far as they can be ascertained, is filed in his office, and is open for inspection. Such notice shall be so mailed at least six days before the final decision of the council. Notice to proprietors, &c.

Apportionment of cost. *i.* The cost of such work is apportioned according to the frontage of their properties as entered on the valuation roll, among the owners and occupants, independently of the buildings which may be erected thereon.

Hearing and decision of objections, &c. *j.* The city engineer shall hear and decide in a summary manner all objections which may be made to the apportionment, and shall attend the office of the city clerk for that purpose, while his report is there open for inspection as aforesaid.

Order to proceed with work, &c. *k.* The council, by resolution, at a subsequent meeting, shall order the work on the said improvement to be proceeded with ; and for the purpose of avoiding the necessity of supplementary estimates, or refunding in the case of over assessments, may authorise the mayor and the city treasurer to make agreements with any bank or banks for temporary advances and loans for the purpose of meeting the cost thereof until the said work has been completed.

Temporary debentures, &c. *l.* After the final completion of the work, the council, shall have the right to issue temporary debentures of the city by by-law adopted by the majority of the council, to the amount of the final cost of such work, and it shall be lawful for the city to renew such debentures from time to time, until the full amount of the expenses incurred in connection with the issue of such debentures shall have been received by the city.

By whom signed, &c. *m.* Such debentures shall be signed by the mayor and by the city treasurer, and shall bear a certificate from the city clerk setting forth the purposes for which they were issued.

Sinking fund how applied. *n.* The money deposited for the sinking fund of such loans shall be placed to the credit of a special fund and applied solely to the redemption of the temporary debentures so issued.

Premium on sale, how applied. *o.* Every premium obtained on the sale of such bonds or debentures, as well as every sum collected but not expended in connection with local improvements made under this section shall be applied to the redemption of such bonds or debentures.

Collection of assessments. *p.* The city treasurer shall collect the amounts due from the parties severally liable for the assessments under this section in the ordinary manner."

Id., s. added after s. 193. **13.** The act 56 Victoria, chapter 52 is amended by adding the following section, after section 193 :

Width of wheel tires, &c. " **193a.** Regulate and prescribe the width of tires on the wheels of vehicles used in the city and the maximum weight of a load to be drawn over any street and to direct upon what streets heavily laden vehicles may be drawn and from what streets, alleys and public places the same may be excluded."

14 Section 195 of the said act is amended by adding the following paragraph thereto : Id., s. 195,
amended.

“Prevent children under the age of sixteen years from frequenting billiard and pool rooms, bowling alleys and other games of the same kind, and punish the proprietors of such places who tolerate such frequenting.” Children frequenting billiard rooms, &c.

15. Section 209 of the said act is replaced by the following: Id., s. 209,
replaced.

“**209.** Regulate or prohibit the raising and fattening of pigs or other animals within the city.” To prohibit raising, &c., of pigs, &c.

16. Section 292 of the said act is replaced by the following: Id., s. 292,
replaced.

“**292.** Compel all persons who desire to store lumber, timber, firewood, laths or shingles, in the city, or to work, run or use any saw and planing mill, carpenter or joiner’s shop, or other building or establishment, wherein wood or other combustible materials are kept, to obtain the previous sanction of the council so to do ; the council may also determine and change from time to time the place where such wood-yards and mills, workshops or other buildings or establishments, may be located and used.” To require permission to store lumber, &c.

17. Section 311 of the said act is replaced by the following: Id., s. 311,
replaced.

“**311.** As soon as the corporation is ready to furnish water to any part of the city not already supplied, public notice thereof shall be given ; and, after such notice, all persons liable to the payment of water-rates in such part of the city whether they consent or not to receive the water, shall pay the rates fixed by the tariff.” Notice that city ready to supply water, &c.

“Any immoveable situated within a radius of two hundred and fifty yards from the main pipes of the water-works may be subjected to a rate representing the protection it may receive from fire because of the water-works.” Rate on certain immoveables.

18. Section 331 of the said act, as replaced by the act 1 Edward VII, chapter 45, section 13, is amended by adding thereto the following paragraph : Id., par. 331,
amended.

“The council shall, every year, either by the valuers at the same time as the valuation roll is made, or by a person specially appointed by it for the purpose, cause to be made a roll of the occupants, articles omitted, persons and animals liable to taxation, which roll shall be deposited, examined and revised, in the same manner as the valuation roll.” Roll of occupants, &c.

19. The following section is added after section 392 of the said act : Id., s. added
after s. 392.

“**392a.** No resolution of the council authorizing the expenditure of any moneys shall be adopted, or have any effect until a resolution authorizing” Resolution authorizing

expenditure, a certificate of the city treasurer is produced, establishing that there are funds available and at the disposal of the city for the service and purposes for which such expenditure is proposed, in accordance with the provisions of this charter.

Approval of contracts, &c., the city, unless it has been approved by the council.

City not liable for certain debts unless authorized by council, &c. The city shall not be liable for the price or value of work done, materials supplied, goods or effects furnished of any kind whatever, nor for any fees for professional services, salary, wages or other remuneration, without the special authorization of the city council, nor unless, in every case, a certificate of the city treasurer is produced establishing that there are funds available appropriated for the particular object for which payment is sought ; and no right of action shall exist against the city, unless the foregoing formalities are strictly observed, notwithstanding that the city may have benefited by any such contract, agreement, work done, materials supplied or other services rendered."

Id., s. 409, amended.

20. Section 409 of the said act is amended by adding the following paragraph thereto :

Lands, &c., exempted specially.

" 6. All lands and property specially exempted from taxation by by-law of the city council."

Id., s. added after s. 411.

21. The following section is added after section 411 of the said act :

Exemption from taxes of certain industries, &c.

" **411a.** The council may exempt from the payment of municipal taxes, for a period not exceeding fifteen years, any person who carries on or establishes any industry, trade or enterprise whatever, or agree with such person for a fixed sum of money payable annually for any period not exceeding fifteen years or for a fixed valuation of the said person's property, in commutation of all municipal taxes.

Conditions thereof.

Such exemption cannot be granted unless previous notice be given by the person applying therefor, to the council, and the council may make a by-law for the purpose, which by-law must be brought before the council at two different meetings thereof, and when the by-law is agreed to, it shall be equivalent to a contract in favor of the proprietors of the manufactory therein mentioned, their heirs and assigns, for all the time specified in the resolution.

Approval of by-law by electors.

Any by-law so passed shall not come into force until it shall have been approved of by the electors who are owners of immoveable property, in the manner prescribed for such cases by this act."

Id., s. added after s. 442c.

22. The following section is inserted in the said act after section 442c, as enacted by section 23 of the act 61 Victoria, chapter 56:

" **442d.** The collection roll shall contain in separate columns : Contents of collection roll.

1. The names and quality of each proprietor who is a ratepayer entered on the valuation roll, or the word " unknown " if the proprietor is unknown.

2. The names and qualities of each occupant of taxable immoveables who is not the owner thereof, if such occupant is known whether he is or is not entered upon the valuation roll.

3. The names of every occupant, workman, manufacturer, peddler, company, bank, broker and of every other person liable to be assessed under this act.

4. The actual value of the taxable immoveables of each ratepayer.

5. The value of the property declared taxable by virtue of section 420 and belonging to each ratepayer.

6. The total amount of taxable property of each ratepayer.

7. The amount of taxes payable by each ratepayer."

23. Section 459 of the act 56 Victoria, chapter 52, is amended by adding thereto the following paragraph : 56 V., c. 52 s. 459, amended.

" 6. Every action for the recovery of sums of money due under section 400 of this act." Sums due under s. 400,

24. The first paragraph of section 463 of the said act is replaced by the following : Id., s. 463, par. 1, replaced.

" **463.** The articles contained in chapter LXIV of the Code of Civil Procedure (1284 to 1291) as amended from time to time, which are not incompatible with the present act shall apply *mutatis mutandis* to the Recorder and the Recorder's Court in civil matters." C. P. C., art. 1284-1291 to apply to Recorder's Court.

25. Section 483 of the said act is replaced by the following : Id., s. 483, replaced.

" **483.** In all prosecutions instituted before the Recorder's Court or before the Recorder other than civil actions, the provisions of Part xv of the Criminal Code concerning summary convictions before justices of the peace, shall apply to the Recorder's Court and to the Recorder as regards the mode of proceeding on such prosecutions to the final judgment or order ; the execution or carrying out of such conviction, judgment or order, and generally as to all rules imposed upon such justices for such purposes in so far as they are not inconsistent with the provisions of the present act, and where no express provision is made herein in relation to the same. Part XV of Criminal Code to apply in certain cases.

The several forms contained in said Code may be varied so as to adapt them to the said court." Variation of forms.

Id., s. 486,
replaced.
Coercive im-
prisonment.

26. Section 486 of the said act is replaced by the following:

“ **486.** It also has the power to grant coercive imprisonment mentioned in article 834 of the Code of Civil Procedure.”

Coming into
force.

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

CHAP. 89

An Act to amend and consolidate the charter of the town of Westmount and to incorporate it into a city

[Assented to 25th April, 1908]

Preamble.

WHEREAS the corporation of the town of Westmount has, by petition, represented that it is necessary to amend and consolidate the several acts constituting its charter, by substituting as a basis the Cities and Towns' Act, 1903, to the law respecting Town Corporations, and to grant it additional powers and incorporate it into a city ;

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

Short title.

1. This act may be cited as “ The Charter of the City of Westmount.”

POWERS

3 Ed. VII, c.
38, to apply.

2. The city of Westmount shall be subject to the provisions of the Cities and Towns' Act, 1903, except in so far as inconsistent with the provisions of this act.

TRANSITORY

Corporation
succeeds to
certain
rights, &c.

3. The corporation shall succeed to all the rights and obligations of the corporation of the town of Westmount.

CONSTITUTION

Persons in-
corporated.

4. The inhabitants and rate-payers of the town of Westmount and adjoining territory comprised within the limits hereinafter described and set forth, are hereby incorporated into

Name.

a city corporation under the name of “ City of Westmount.”