

C H A P. 56

An Act to amend the charter of the city of Hull

[Assented to 2nd June, 1904]

Preamble.

WHEREAS the city of Hull has, by its petition, represented that it is in the interest of the proper administration of its affairs that certain amendments be made to 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. 10, replaced.

1. Section 10 of the act 56 Victoria, chapter 52, is replaced by the following :

Number of aldermen for each ward and term of office.

" 10. The several wards of the city shall each be represented in the council by two aldermen who shall not continue in office, without being re-elected, for a period longer than two years. They shall remain in office until their successors are elected and sworn in to replace them.

56 V., c. 52, s. 32, replaced.

2. Section 32 of the act 56 Victoria, chapter 52, as amended by section 4 of the act 61 Victoria, chapter 56, and section 1 of the act 1 Edward VII, chapter 45, is replaced by the following :

Qualification of municipal electors :
Proprietors ;

" 32. The following persons of the age of twenty-one years are municipal electors, to wit :

" 1. Every person of the male sex entered, on the last valuation roll, as the owner of immoveable property in a ward of an assessed value of one hundred dollars and over or an annual assessed value of twenty dollars and over.

If such immoveable property is owned *par indivis* by several owners whose names are entered as such on the valuation roll, each of them shall be entitled to a vote corresponding to his share of the property provided the proportion of the assessed value of the immoveable corresponding to his share therein amounts to a sufficient sum to qualify him as elector, under the present provision ;

Husbands of wives who are proprietors ;

2. The husband of any woman under the law of separation as to property, when she is seized and possessed, as proprietor or usufructuary, of immoveable property entered in her name on the valuation roll and of the assessed value of one hundred dollars and over ;

Widows and spinsters who are proprietors ;
Tenants.

3. Widows and spinsters who are proprietors shall have the same rights, as to voting, as are conferred by this section upon male persons who are proprietors ;

4. Every person whose name is entered on the last valuation roll as tenant paying a rent of at least twenty dollars

per annum for an immoveable property or part of an immoveable taxed, and who, for six months previous to the election, has been a *bonâ fide* tenant, at a rent of at least twenty dollars per annum, of such immoveable or portion of an immoveable, or of several immoveables or portions of immoveables successively and without interruption during the said period."

3. The last paragraph of section 95 of the act 56 Victoria, chapter 52, is replaced by the following: 56 V., c. 52, s. 95, amended.

"The council may, generally, appoint all the officers it may deem necessary for the exercise of the powers conferred upon it by the city charter, and allow them such salary or other compensation as it may deem advisable; exact from each of them such security as it may deem sufficient for the due performance of their duties; prescribe, determine and modify the duties of such officers respectively, and dismiss them and appoint others in their stead, with the exception, however, of the treasurer who can be dismissed only upon a vote of two-thirds of the council." Appointment of and security to be given by officers, &c.

4. Sections 106 and 110 of the act 56 Victoria, chapter 52, are repealed. 56 V., c. 52, secs. 106 and 110, repealed.

5. The last paragraph of section 101 of the act 56 Victoria, chapter 52, as replaced by section 5 of the act 1 Edward VII, chapter 45, is replaced by the following: 56 V., c. 52, s. 101, amended.

"The city treasurer shall be the sole collector and depository of all sums and dues whatsoever payable and belonging to the city, including the taxes and revenues from the city water-works." City treasurer to collect and receive moneys.

All sums collected by the treasurer, derived from the sale of debentures, shall be by him deposited in a chartered bank as a special fund, and be applied solely to the purposes for which such debentures were issued." Deposit of funds in bank.

6. Sections 107, 108 and 109 of the act 56 Victoria, chapter 52, as replaced by section 6 of the act 1 Edward VII, chapter 45, are repealed. 56 V., c. 52, secs. 107, 108 and 109, repealed.

7. Section 28 of the act 61 Victoria, chapter 56, sections 7 and 8 of the act 1 Edward VII, chapter 45, and sections 3 and 4 of the act 2 Edward VII, chapter 52, amending or affecting section 147 of the act 56 Victoria, chapter 52, are repealed, but without prejudice to vested rights in favor of the city or in favor of third parties under such amendments so repealed. 61 V., c. 56, s. 28, 1 Ed. VII, c. 45, secs. 7 and 8, 2 Ed. VII, c. 52, secs. 3 and 4, repealed. Proviso.

56 V., c. 52,
s. 147, re-
placed.

Common
sewers,
macadamized
roads, &c.

S. Section 147 of the act 56 Victoria, chapter 52, is replaced by the following :

“**147.** Whenever the majority of the proprietors or occupants of immoveables in a street or part of a street in the city shall, by a petition addressed to the city council, require the making of any improvements whatsoever to 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 proprietors and occupants of immoveables opposite to which such improvements may be made.

Assessment
therefor.

When any immoveable shall be situated on two or more streets, or on one or two streets, or a public square, the council, in passing such by-law, shall decide what proportion or part of the said immoveable is benefited by the special improvements made in such street or public square, and shall, in consequence, apportion the special tax or assessment to be levied on the said property to defray the cost of such improvement.

Issue of temporary debentures therefor.

The council may, for the purposes mentioned in the present section, issue temporary debentures of the city, by by-law adopted by the absolute majority of the members of the said council, to the amount of the special assessment, for the payment of which the proprietors interested are liable in regard to the cost of such improvements until the special contributions paid under that head have been collected ; and it shall be lawful for the city to renew such debentures from time to time until the full amount of such contributions and of the expenses incurred in connection with the issue of such debentures shall have been received by the city.

Signature to such debentures.

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 purpose for which they are issued.

Deposit of sinking fund.

The moneys collected for the sinking fund of such loans shall be deposited to the credit of a special fund and applied solely to the redemption of the temporary debentures so issued.

Application of premium on sale of debentures, &c.

Every premium obtained in 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 debentures.

When works to be commenced.

The works authorized under this section cannot be commenced until the said debentures have been sold or negotiated and the proceeds thereof received by the city.”

9. Section 300 of the act 56 Victoria, chapter 52, is re-
placed by the following :

"300. For the purposes of the water-works, the council may acquire and hold any land, water-course of a private nature, or portion of such water-course and its accessories, as well as all buildings or structures whatsoever erected on such water-course or in the vicinity, servitudes and usufructs in the city limits ; acquire a right of way wherever it may be necessary ; pay any damages occasioned by such works, either to buildings or lands ; acquire the right to pass over and lay its pipes or other apparatus in the various streams running through the city, and take all steps necessary to protect all apparatus or works which may be laid or done."

56 V., c. 52,
s. 300, re-
placed.

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

10. Section 303 of the said act 56 Victoria, chapter 52, is replaced by the following :

"303. When the parties cannot come to an amicable agreement with respect to the acquisition of any immovable property for the water-works or right of way through such property or of any servitude thereon, as well as of any water-course or part of any water-course whatever of a private nature and its accessories, as well as of all buildings or structures whatsoever erected on such water-course or in its vicinity, the council may, notwithstanding any law to the contrary and in particular article 4563 of the Revised Statutes, cause the same to be expropriated in the manner authorized by this act for expropriations in the city generally."

56 V., c. 52,
s. 303, re-
placed.
Expropria-
tion in certain
cases.

11. Sections 332, 333, 334 and 335 of the act 56 Victoria, chapter 52, as amended by section 14 of the act 1 Edward VII, chapter 45, are replaced by the following :

56 V., c. 52,
s. 332 to 335,
replaced.

"332. During such interval of fifteen days any person who has to complain of such roll for himself or for other interested parties may appeal to three competent persons called "revisors," appointed by the council, who, for such purpose, shall constitute a board of revisors for such roll.

Complaints
against roll
by appeal to
revisors.

Such appeal shall be taken by means of a written notice setting forth the cause of complaint, and shall be deposited in the hands of the city clerk.

How appeal
to be taken.

"333. Immediately after the expiration of the delay of fifteen days allowed for inspection of the roll, the board of revisors shall take cognizance of all complaints that may have been filed in the hands of the city clerk with reference to any entry in or omission from the valuation roll and shall generally revise the roll ; they shall proceed with such revision from day to day, hear the parties and their witnesses, adjudicate upon the complaints and homologate the valuation

Hearing of
appeals.

roll as revised, and deposit it in the office of the city clerk, the whole within a delay not exceeding eight days; the roll then comes into and shall remain in force until a new roll is made and put into force.

Increase of valuation by revisors.

The revisors may also when the said roll is revised increase the valuation made of any property by the assessors, by giving a previous notice in writing of at least one clear day to the interested parties.

Roll to be signed when revised, &c. Revisors' act under oath.

" 334. The roll so revised and homologated shall be signed by at least the majority of the revisors.

In revising the roll, the revisors act under the oath of office which they have taken before the mayor or city clerk.

Petition to Circuit Court from decision of revisors, when and how made.

" 335. Every rate-payer who has filed a complaint respecting an entry in or omission from the valuation roll, and deems himself aggrieved by the revisors' decision, may, by petition, within a delay of eight days from such decision, appeal therefrom to the Circuit Court of the district of Ottawa or to the judge presiding over such court; such petition shall be accompanied by a notice stating that it will be presented on a specified day, which notice shall be served upon the city clerk; and proceedings shall be had on such petition from day to day, and in a summary manner. The notice of the presentation of the petition shall be of three clear days.

Notice therefor.

Decision to be final.

The decision of the Circuit Court or judge on the petition shall be final and without appeal."

56 V., c. 52, s. 375, replaced.

12. Section 375 of the act 56 Victoria, chapter 52, is replaced by the following :

Duty of council to provide for payment of interest.

" 375. Whenever the council shall contract a loan by means of debentures, it shall immediately provide, from and out of the revenues of the corporation, for the payment of the annual interest at the rate aforesaid, and for the establishment of a sinking fund of at least one per cent. per annum."

Sec. added after 56 V., c. 52, s. 388.

13. The following section is inserted after section 388 of the act 56 Victoria, chapter 52 :

Issue of other debentures to pay off those coming due.

" 388a. So as to procure the funds to pay any issue of its debentures which may become due, the city shall have power to issue other debentures, which shall not exceed the capital sum to be paid, repayable at a term which may extend to fifty years. The new debentures shall bear interest which shall not be higher than that of the debentures to be paid. Such debentures shall be issued by by-law for that purpose, fixing the details of their issue. Such by-law shall not require to be voted by the rate-payers who are proprietors."

14. Subsection 1 of section 390 of the act 56 Victoria, 56 V., c. 52, chapter 52, as replaced by section 27 of the act 61 Victoria, s. 390, chapter 56, is replaced by the following :

“ 1. For the payment of the interest on the debt due by the city and for the sums required during the year for the sinking fund, but without prejudice to the powers granted to the council regarding sinking funds in virtue of section 12 of this act.” Annual appropriation for interest, &c.

15. Section 391 of the act 56 Victoria, chapter 52, is replaced by the following : 56 V., c. 52, s. 391, replaced.

“ **391.** Such appropriation shall never exceed the amount of the receipts of the preceding year, added to the balance of such receipts remaining unexpended, as well as any probable surplus receipts for the current year.” Limitation of appropriations.

16. Section 393 of the act 56 Victoria, chapter 52, is replaced by the following : 56 V., c. 52, s. 393, replaced.

“ **393.** Any member of the council who joins in sanctioning the expenditure of any sum of money beyond the amounts so appropriated and the amounts at the disposal of the council, or of any committee, in conformity with the foregoing sections, shall *ipso facto* forfeit his right to sit as a member of the council and cannot be re-elected to the office of mayor or alderman for a period of two years from that time.” Penalty on members of council voting for such excess.

The council may, nevertheless, in cases of urgent necessity, either for the purpose of meeting a judicial obligation or for other unforeseen or uncontrollable causes, procure the necessary funds to meet such obligation by such means as it may deem advisable. Proviso in cases of urgent necessity.

Notwithstanding any law to the contrary, no judgment rendered against the city, solely for the payment of a sum of money shall be executory before the expiration of thirty days from the date of such judgment.” When judgment against city for payment of money executory.

17. Section 394 of the act 56 Victoria, chapter 52, is replaced by the following : 56 V., c. 52, s. 394, replaced.

“ **394.** In cases of urgent necessity, which shall be left to the discretion of the council, the council may, from and after the sanction of this act, by by-law adopted by the absolute majority of its members, make any appropriation it may think necessary beyond the amounts at its disposal ; provided that by such by-law a supplementary assessment shall be imposed, payable during the course of the year in which such by-law is passed, and sufficient to cover the amount so appropriated, which assessment shall be imposed, recovered and collected in the same manner as the ordinary taxes and assessments” Special appropriation in cases of necessity. Proviso for supplementary assessment in such cases.

Amount thereof.

imposed and levied in virtue of this act ; but such supplementary assessment shall not in any case, in one and the same year, exceed one-fourth of a cent in the dollar on the value of the taxable immoveables of the city, over and above the present rate of one cent and one-fourth of a cent in the dollar."

56 V., c. 52, s. 395, replaced.

18. Section 395 of the act 56 Victoria, chapter 52, is replaced by the following :

Power to acquire immoveables for certain purposes.

"395. The council shall have full power to purchase and acquire, out of the revenues of the city, all immoveables of any kind whatsoever in the said city which it may deem necessary for opening and widening any street, public square or market square, or for the erecting of a public building thereon, or for the purposes of the water-works, or, finally, for any object of public utility of a municipal nature."

56 V., c. 52, s. 396, replaced.

19. Section 396 of the act 56 Victoria, chapter 52, is replaced by the following :

Expropriation in certain cases and provisions therefor.

"396. When the proprietor or proprietors, as the case may be, of any immoveable whatsoever, which the city wishes to acquire for an object of public utility of a municipal nature, refuses or refuse to sell the same by private agreement, the same may be acquired by expropriation, and the amount that the city shall be obliged to pay for taking possession thereof, and for damages shall be fixed by three arbitrators, one of whom shall be named by the city, one by the proprietor or proprietors, as the case may be, and one by the Superior Court or a judge thereof, on application of either party after notice to the other ; in case any party interested in such arbitration is a minor, lunatic or issue unborn, the tutor, tutrix or curator, as the case may be, of such party shall have and is hereby given power to act for such party in all proceedings relating to such arbitration, and in case any absentee is interested therein, the said court or judge shall decide what notice shall be given to such absentee ; and in case any party or parties entitled to name an arbitrator fail or neglect to do so, the said court or judge shall name such arbitrator for such party or parties, as the case may be.

Arbitration therefor.

Taking possession by city of lands expropriated.

When the said arbitrators shall have made their report to the council at one of its regular sittings, it shall be lawful for the city to acquire, and take possession of such immoveable by depositing the sum awarded by the arbitrators in the hands of the prothonotary of the Superior Court, in and for the district of Ottawa, for the use of the person entitled thereto ; and if such person entitled to such compensation does not present himself, within six months after the deposit has been made into the hands of

the said prothonotary, to claim the amount so deposited, it shall be lawful for the said prothonotary, and he is hereby required, to hand over such sum to the treasurer of the city, and the said sum shall bear interest at the rate of five per cent. The capital, as well as the interest thereon, shall be paid by the said treasurer to any person entitled thereto, within three months after a regular notice to pay such sum shall have been given to the mayor and treasurer of the city.

The award rendered by the majority of the arbitrators shall be final and without appeal. Award to be final.

20. Section 401 of the act 56 Victoria, chapter 52, is replaced by the following: 56 V., c. 52, s. 401, replaced.

"401. When a public notice is ordered to be given, under any provisions of this act or any statute concerning the city, without prescribing the form or manner in which such notice shall be published, such notice shall, in such case, be given by an advertisement inserted at least twice in English and in French in a newspaper published and printed in the city, and, in default of such newspaper, in a newspaper published in the city of Ottawa." How public notices are to be given.

21. Section 443 of the act 56 Victoria, chapter 52, as replaced by section 24 of the act 61 Victoria, chapter 56, is again replaced by the following: 56 V., c. 52, s. 443, replaced.

"443. If, after the fifteen days next following the demand made in virtue of the preceding article, the municipal dues have not been paid, the city treasurer shall levy them, together with costs, by seizure and sale of the goods and chattels of the debtor which may be found in the city. Seizure and sale in default of payment.

Such seizure and sale shall be made under warrant signed by the treasurer, and addressed to a constable or bailiff, who shall act under his oath of office, and be subject to the provisions respecting executions in virtue of a writ *de bonis* issued by the Circuit Court." Warrant for such purpose.

22. Section 444 of the act 56 Victoria, chapter 52, is replaced by the following: 56 V., c. 52, s. 444, replaced.

"444. The treasurer in giving and signing such warrant, shall act under the responsibility of the city." Treasurer signing not personally responsible.

23. Section 468 of the act 56 Victoria, chapter 52, is replaced by the following: 56 V., c. 52, s. 468, replaced.

"468. The city council may, from time to time, by resolution, to be deposited and registered in the office of the clerk of the recorder's court, appoint some fit and proper person, being an advocate of the Province of Quebec, Appointment of assistant to recorder.

of not less than five years' standing, to be and act as assistant to the recorder and act as his substitute ; and any such nomination may be revoked and again made by the council as circumstances may require."

56 V., c. 52,
s. 469, re-
placed.

24. Section 469 of the act 56 Victoria, chapter 52, is replaced by the following :

Powers of
assistant re-
corder.

"**469.** The person so appointed shall, for and during the period of time limited in the resolution appointing him, or, if no period of time be therein limited, then from the date of the registration as aforesaid until the revocation thereof, shall have concurrent jurisdiction with the recorder and shall possess and be vested with all the rights, powers and privileges, and shall be bound to discharge all the duties of the said recorder ; provided, nevertheless, that the salaries of the recorder and of his assistant shall not exceed the sum mentioned in section 466 of the act 56 Victoria, chapter 52."

Proviso as to
salary.

Coming into
force.

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

CHAP. 57

An Act to amend the charter of the town of St. Louis

[Assented to 2nd June, 1904.]

Preamble.

WHEREAS the corporation of the town of St. Louis has, by petition, represented that it is in the interest of the proper administration of the town that certain amendments be made to 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 :

3 Ed. VII, c.
67, s 10,
amended.

1. Section 10 of the act 3 Edward VII, chapter 67, is amended by replacing the last three paragraphs by the following :

Surplus re-
venue.

" In addition to the amount so appropriated as aforesaid, the council may, if it deem necessary, spend any surplus revenue of the current year over the previous year.

Sums appro-
priated not
to be exceed-
ed.

The council shall not expend any sum beyond the total amount so appropriated, including the surplus of revenue as aforesaid, except in the cases and under the conditions hereinafter mentioned ; but it may, at any time, alter the destination of sums appropriated to any committee and apply

Proviso.