

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.

**W**HEREAS 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.

them to any other destination within the jurisdiction of any committee.

Every member of the council who approves the expenditure of a sum of money, beyond the amount so appropriated and the sums at the disposal of the council, or of any committee under the foregoing provisions, shall be personally liable therefor.

Members of council to be responsible for excess of expenditure.

In case of urgent necessity, either for the purpose of meeting a judicial obligation or for any other unforeseen or uncontrollable cause, the council may procure the necessary funds to meet such obligation by such means as it may deem expedient."

Unforeseen &c., expenditure.

**2.** Section 44*i*, of the act 59 Victoria, chapter 55, as enacted by the act 3 Edward VII, chapter 67, section 9, is amended by replacing the second paragraph thereof by the following:

59 V., c. 55, s. 44*i*, amended.

"On Mount Royal Avenue, between Esplanade street and Côte Ste. Catherine road, all the houses and buildings shall be erected at a distance of five feet from the homologated line, and be of at least two and one half stories in height, and no one shall be allowed to build or keep therein any shops, stores, factories, hotels, restaurants of any kind whatever."

Distance of houses from line of certain streets.

**3.** Paragraph (a) of section 53 of the act 59 Victoria, chapter 55, is replaced by the following:

59 V., c. 55, s. 53 § (a) replaced.

"(a) Certain annual dues or taxes, not exceeding two hundred dollars, upon every owner or occupant of a house of public entertainment, saloon, café or restaurant, and on every retailer of spirituous or fermented liquors."

Taxes upon owners, &c., of houses of public entertainment, &c.

**4.** Section 26 of the act 59 Victoria, chapter 55, as amended by the act 3 Edward VII, chapter 67, section 7, is amended by adding thereto, after paragraph 7*q*, the following:

59 V., c. 55, s. 26, amended.

"7*r*. Compel proprietors to fence in their vacant lots; and determine the height of such fences and the manner in which they shall be made. In default of the proprietors making such fences in the manner and within the delay prescribed by the said council, the latter may, after special notice by the officer of the corporation, have the same made and charge the cost thereof to the proprietors.

Fencing of vacant lots.

This clause shall apply to the Montreal Exposition Commission only two years after the coming into force of this act."

Exception.

**5.** The following sections are inserted in the act 59 Victoria, chapter 55, after section 44*n*, as enacted by section 9 of the act 3 Edward VII, chapter 67:

Secs. added to 59 V., c. 55, after s. 44*n*.

"**44o.** No owner of an immoveable shall connect a private drain with a main or common drain, nor obtain permission

Connections of private drains.

to that effect from the council, so long as the corporation shall not have been repaid all the arrears of assessment and of interest thereon imposed upon such immoveable according to the special assessment rolls made in accordance with the provisions of by-laws Nos. 52 and 75 of the town of St. Louis for the cost of constructing the sewers, saving the arrangement made between the Montreal Exposition Company and the town of St. Louis.

Indemnity to  
lessees in  
cases of ex-  
propriation.

“ 44p. When any expropriation is effected, no indemnity, damages or compensation shall be paid to the lessees of lots or buildings to be expropriated, beyond the amount of the rent for the remainder of the current year and of another year's rent of the premises occupied by them, but only in cases where the lease is for one or more years beyond the current year counting from the date of the adoption by the council of the resolution or by-law deciding such expropriation.

Proviso.

In no case shall any compensation be allowed to lessees whose leases have been effected or who have taken possession of the premises subsequently to the resolution or by-law of the council respecting such expropriation.

Notice to be  
served upon  
town in cases  
of accidents.

“ 44q. If a person claim to have suffered, through any accident whatsoever, bodily injuries for which he intends to claim damages or compensation from the town, he shall, within thirty days from the date of such accident, give notice to the town, through the secretary-treasurer thereof, of the nature of the accident, of the time and place at which it occurred and, within the following fifteen days, give notice of his intention to take a suit, indicating at the same time the details of his claim and the place of his residence, in default whereof the town shall not be liable for damages, nor for any compensation by reason of such accident, notwithstanding any article or provision of law to the contrary; and, in the event of a claim for damages to moveable or immoveable property a similar notice shall also be given to the town through the secretary-treasurer of the town within thirty days, in default whereof the town shall not be liable to pay damages, nor any compensation, notwithstanding any article or provision of law; but, in all cases, no suit claiming damages or compensation shall be admitted unless such suit be taken within the six months, from the date at which the accident occurred or the right of action arose.

Prescription  
of suits.

Delay to in-  
stitute pro-  
ceedings.

No such suit shall be taken before the expiration of fifteen days from the service of the above lastly mentioned notice.

The default to give the above notice shall not, however, deprive victims of accidents of their right of action if they prove that they were prevented from giving notice by superior force or by other reason deemed valid by the judge or court.

Right of action preserved.

The town shall have its recourse in warranty against every person whose fault or negligence has been the cause of the accident or of the damages resulting therefrom."

Recourse in warranty.

**6.** The following sections are inserted in the act 59 Victoria, chapter 55, after section 46 :

Secs. added after 59 V., c. 55, sec. 46.

"**46a.** Notwithstanding any law or exemption to the contrary, every exhibition company or association in the town shall be obliged to pay the general municipal and school taxes, from and after the first of July, 1904.

Taxes upon exhibition companies.

"**46b.** The exemption from taxation granted either in virtue of any act, or by a resolution or by-law of the town, to any person, firm, company or corporation whatsoever, shall not include the special taxes or taxes on immoveables nor the water tax or rate.

Certain taxes not included in exemptions.

The special taxes, imposed on all the immoveables of the municipality by and under by-laws Nos. 52 and 75 for the construction of sewers, shall be exigible, any provision or law to the contrary notwithstanding, saving the arrangements made between the Montreal Exposition Company and the town

Taxes under by-laws Nos. 52 and 75.

This provision shall not affect the contract between the town and the Montreal Water and Power Company."

Certain contract not affected.

**7.** Section 44o of the act 59 Victoria, chapter 55, and section 46b of the said act, as enacted by sections 5 and 6 of this act, shall in no respect apply to the property affected by section 44l of the act 59 Victoria, chapter 55, as enacted by the act 3 Edward VII, chapter 67, section 9.

Application of certain provisions.

**8.** The following section is inserted in the act 59 Victoria, chapter 55, after section 72 :

Sec. added after 59 V., c. 55, s. 72.

"**72a.** The recorder may, in any conviction, condemn the accused to pay the cost of his conveyance to the gaol or other place of detention, without its being necessary to previously specify the amount thereof in the sentence."

Cost of conveyance of prisoners.

**9.** Section 66c of the act 59 Victoria, chapter 55, as enacted by the act 61 Victoria, chapter 58, section 10, and replaced by the act 63 Victoria, chapter 54, section 16, and by the act 3 Edward VII, chapter 67, section 11, is replaced by the following :

59 V., c. 55, s. 66c, replaced.

Expropriation of part of St. Lawrence street ordered.

How funds therefor to be obtained.

59 V., c. 55, s 33, replaced.

Debt of the town limited.

Certain property to be included in computing debt.

Certain sums not to form part of debt.

Proviso as to councillors, &c. voting for excess of debt. Further proviso as to approval of contracts, &c., over certain amount.

Section declaratory.

Coming into force.

**"66c.** The town shall expropriate that portion of St. Lawrence street, on the west side, from Mount Royal Avenue to St. Louis street, on or before the first of October, 1904, without prejudice to any recourse in damages that the interested parties may have by reason of the delay in the expropriation ; and, notwithstanding any law to the contrary, the council is authorized to obtain the necessary funds to meet the payment of the indemnity and costs incurred by such expropriation by such means as it may think proper."

**10.** Section 33 of the act 59 Victoria, chapter 55, as replaced by section 5 of the act 60 Victoria, chapter 64, and by section 7 of the act 61 Victoria, chapter 58, is further replaced by the following :

**"33.** The debt of the town shall not at any time exceed 15 per cent. of the assessed value of the real estate of the town.

For the purpose of determining such debt, the value of the property occupied by the Montreal Exposition Company, as shown upon the valuation roll shall be considered as an assessable value.

The amounts due at any time by the proprietors for the construction of sewers, as well as those due by The Montreal Water and Power Company, for the continuation of the water-works, shall not form part of the said debt, but shall be deducted in making the calculation to determine it, provided that if, at any time, the council shall exceed the limit above-mentioned, every councillor who shall contribute by his vote to exceed such limit shall be personally responsible for all such excess ; provided further that no contract for the construction of a work or for the purchase of goods and materials of a value exceeding \$ 5,000.00 shall be lawful, nor shall it be passed by the council or signed by the mayor or any other member of the council in favor of any person, firm or company, unless tenders have been previously asked for by public notice published three times in one week in a French and in an English newspaper in circulation in the municipality, and unless the accepted tender has been ratified by the vote of at least six councillors.

This section is declaratory of what the law has been since the coming into force of the act, 61 Victoria, chapter 58, section 7.

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