

C H A P. 65

An Act to amend the charter of the city of St. Hyacinthe

[Assented to 25th April, 1903].

WHEREAS the city of St. Hyacinthe has, by its petition, Preamble. represented that it is in the interest of the proper administration of the city that certain amendments be made to its charter, the act 51-52 Victoria, chapter 83, and the various acts amending the same, and whereas 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. :

1. The first paragraph of article 1 of the act 51-52 Victoria, 51-52 V., c. 83, art. 1, amended. chapter 83, is replaced by the following :

“ **1.** The inhabitants of the city of St. Hyacinthe, within Inhabitants incorporated. the limits hereinafter described, and their successors, are and shall be a body politic and corporate by the name of Name. “The city of St. Hyacinthe.”

2. Paragraph 5 of article 93 of the act 51-52 Victoria, Id., art. 93, § 5, replaced. chapter 83, as replaced by the act 58 Victoria, chapter 52, section 39, is again replaced by the following :

“ **5.** On all merchants, traders, manufacturers, bankers, Taxes upon certain trades, professions and callings. brokers and exchange agents, auctioneers, grocers, bakers, butchers, hucksters, owners or occupants of houses of public entertainment, inns, coffee houses and eating houses, retailers of spirituous liquors, proprietors of wood- or coal-yards, slaughter-houses, laundries, printing establishments, pawn-brokers, livery stables, inspectors, lumber or coal merchants either by wholesale or retail, having a place of business in the city of St. Hyacinthe, dealers in potash, pork, beef, flour, butter, or other produce, railway, telegraph, telephone and light companies ; on life, fire and accident insurance companies, both for persons and property, and manufacturers and suppliers of motive power, steamboat companies, or their agents, doing business in the city ; proprietors or managers of theatres, billiard rooms, bowling alleys, or other similar games, and generally on all trades, manufactures, occupations, business, arts, professions, or means of profit or subsistence, whether they be above enumerated or not, which now are or may hereafter be exercised or carried on in the city, a business tax, at the rate of seven and one-half per cent. on the annual value of the premises occupied by the said persons in the city, in which they do business or carry on such trade, manufacture, occu-

pation, art, profession, or means of profit or subsistence ; and further, a duty or license which it shall be lawful for the council to exact for the exercise of any of such offices, trades, arts, professions, business or industries in the said city, which license shall not exceed the sum of one hundred dollars for any telegraph, telephone, life insurance company, and fire and accident insurance company, both for persons and property, and one hundred and fifty dollars for light companies.”

Id., art. 133, amended. **3.** Paragraphs 13 and 39 of article 133 of the act 51-52 Victoria, chapter 83, are replaced by the following :

Throwing paper, &c., in streets. “13. For preventing the throwing or the allowing to fall into any streets or public places of paper, straw, hay, rags, sweepings, filth, dirt, or rubbish, and for enforcing the removal thereof at the expense of the person in default ;

Licensing carters, &c. “39. For authorizing the granting of licenses to carters, and to the owners and drivers of vehicles kept for hire, owners of livery stables or of places where horses are cared for and fed for a compensation, in the city, and to determine the price of the said licenses according to the number of horses used for that purpose, and also for the better guidance of the owners and drivers of such vehicles, and for the establishment of rules and regulations respecting public carts, carriages, calèches, waggons or other vehicles kept for hire in the city, as well as for establishing a tariff of prices for the same ;”

Id., art. 133, amended. **4.** Paragraph 51 of article 133 of the act 51-52 Victoria, chapter 83, is replaced by the following :

Establishment of water-works. “51. For the establishment, construction and maintenance of water-works for the purpose of providing wholesome water for the inhabitants of the city ; for the purchase of the water-works of La Providence Water-works Company, in the county of St. Hyacinthe, and the sale or supply of water to the inhabitants of municipalities contiguous to the city of St. Hyacinthe ; for taking possession of any lands necessary for the purpose of such water-works or for the passage of the canals through which the water is to flow, whether such land be situate within or without the limits of the city, and whether or not the proprietors consent to such taking of possession ; and for imposing and raising by tax whatever amount the council deems requisite to ensure the construction and maintenance of such water-works ; and the amount of any indemnification for expropriation and for any damages caused by the construction or maintenance of any such water-works, shall be determined in the manner provided for similar cases by this act ;”

5. Article 133a of the act 51-52 Victoria, chapter 83, as Id., art. 133a, amended. enacted by the act 58 Victoria, chapter 52, section 44, is amended, by striking out, from the second clause of the said article, the last five lines beginning at the words "to grant" and replacing them by the following: "to grant a discount not exceeding twenty per cent. per annum to all persons receiving water who shall pay the price thereof in one payment between the first and fifteenth day of each quarter to be determined by a by-law of the council, and to regulate and administer the affairs of the said water-works."

6. The act 51-52 Victoria, chapter 83, is amended by Art. added adding after article 133a, as enacted by the act 58 Victoria, after id., chapter 52, section 44, the following article: 133a.

"133b. The sums due to the city of St. Hyacinthe for water supplied to proprietors, tenants, subtenants or occupants are privileged debts affecting the immoveables to which water is so supplied, and shall rank immediately after municipal taxes, saving the recourse of the proprietor against his tenant, subtenant or occupant with the lessor's privilege. Amounts due for water privileged debts, &c.

It shall, however, be lawful for any proprietor to relieve himself from such responsibility as regards his tenant, subtenant or occupant by giving verbal permission to the person having charge of the collection of the water-rates for the city to shut off the pipe supplying water to his property, for such time as such tenant, subtenant or occupant occupies the said property and the sums due for water have not been paid. Proprietor may relieve himself on certain conditions.

Such security for payment shall also cease when such proprietor shall give a distinct and separate supply pipe to each of his tenants and subtenants or occupants. Idem

In any case, the council may stop the supply of water to persons who do not pay for the same or who allow it to be wasted unnecessarily or unreasonably, and further forbid any person from giving or supplying water to persons from whom the council shall have shut off the same or to allow them to take any water, under a penalty not exceeding ten dollars." Stopping supply of water, &c.

7. Article 145 of the act 51-52 Victoria, chapter 83, as Id., art. 14 enacted by the act 58 Victoria, chapter 52, section 48, is amended. amended by adding, after the first paragraph, the following:

"The city council shall have the right, before or after the appointment of the arbitrators, to make a legal tender to the proprietor of the land subject to expropriation; and, if such tender is refused but is afterwards confirmed by competent authority, all the costs in connection with the arbitration after such tender, including those of the advocate, shall be borne by the proprietor in default." Legal tender by city and effect thereof in cases of arbitration, &c.

Paragraphs added to id., 133, after § 90.
Regulating conduct of persons in clubs, &c.

8. Article 133 of the act 51-52 Victoria, chapter 83, is amended by adding, after paragraph 89, the following :

“ 90. For regulating and controlling the conduct of persons frequenting clubs and places of meeting or amusement of such kind, to limit the number thereof and regulate the manner in which such establishments shall be kept.

Preventing sale of cigarettes to minors.
Authorizing confiscation of such found upon their persons.

“ 91. For preventing and prohibiting the sale of cigarettes, cigars, pipes or tobacco to any child under sixteen years of age, and for permitting any police officer, justice of the peace, mayor, alderman and the clerk of the city of St. Hyacinthe, to take away, remove and confiscate, employing force if necessary, the cigars, cigarettes, pipes and tobacco, found in possession of such children, for their own use.”

Id., art. 157, replaced.

9. Article 157 of the act 51-52 Victoria, chapter 83, is replaced by the following :

Jurisdiction of recorder's court.

“ **157.** It has jurisdiction to hear and judge in last resort, when the amount does not exceed fifty dollars :

1. Actions for the recovery of school and municipal taxes, assessments, contributions, fines, penalties and sums of money due and payable under this act and the by-laws of the said council in force now or which may hereafter be in force ;

2. Actions for the recovery of rent, for the cancelling or rescinding of leases and for the recovery of damages resulting from infringement of any of the stipulations of a lease, or for non-fulfilment of the obligations attached by law thereto or resulting from the relations between lessors and lessees ;

3. Actions for salaries and wages and all disputes between masters and servants with respect to their contract of hire.

It is, moreover, vested with all the rights and powers conferred upon commissioners' courts for the summary trial of small causes, and to that end, articles 1253 to 1283, inclusively, of the Code of Civil Procedure shall form part of this act, *mutatis mutandis*, as if they were incorporated herein.”

Id., art. 194, replaced.

10. Article 194 of the act 51-52 Victoria, chapter 83, is replaced by the following :

By-laws printed in 1884 and all others to 15th March, 1903 passed by council declared in force.
All agreements ratified, &c.

“ **194.** The by-laws which were printed by order of the city council of St. Hyacinthe, in the year one thousand eight hundred and eighty-four, and passed by the council the eighteenth of November of the said year, and all those passed since by the city council until the fifteenth of March of the year one thousand nine hundred and three, shall remain in force until they shall be regularly rescinded and annulled, by virtue of this act ; and all agreements, contracts and undertakings, made and executed in virtue of such by-

laws, are ratified, rendered valid and confirmed as far as may be required ; and a copy of any of the aforesaid by-laws and of all those to be adopted hereafter, certified by the mayor or the secretary-treasurer, shall be evidence of their contents before all courts of justice.” Effect of certified copies.

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

C H A P. 66

An Act to amend the charter of the city of Sherbrooke

[Assented to 25th April, 1903.]

WHEREAS the city of Sherbrooke has petitioned for the passing of an act of the Legislature to amend its charter, the act 55-56 Victoria, chapter 51, and it is expedient to grant the prayer of 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. Section 6 of the act 55-56 Victoria, chapter 51, is replaced by the following: 55-56 V., c. 51, s. 6, replaced.

“ 6. No person is capable of being nominated or elected, or of acting as mayor or councillor, who is not a subject of His Majesty, and of the full age of twenty-one years, or who has been convicted of an indictable offence, in any court of law, or who is in Holy Orders, or a minister or teacher of any religious sect, sheriff or coroner of the district, or a judge or a clerk of any court, a member of His Majesty’s Privy Council for Canada, or of the Executive Council of the Province of Quebec, or who has any contract, directly or indirectly, in person or through his partner, clerk or otherwise, with the city for the performance of any work, or for the sale of any goods or property, or who is a surety toward the city for the performance of any contract or the payment of money, or who executes work or furnishes supplies, directly or indirectly, to or for the said corporation, or who, in any way, is accountable for the city revenue or funds, or is in the employment of the city, or is a keeper of any tavern, hotel, or house of refreshment, or has acted as such within the preceding twelve months. Who are disqualified as mayor and councillor.

Provided, however, that no person shall be held incapable of being elected or acting as mayor or councillor, from the fact of his being a shareholder in any incorporated company, which may have a contract with the city.” Proviso.