

## C H A P. 51

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

[Assented to 26th March, 1902]

Preamble.

**W**HIEREAS the city of St. Henri has, by its petition, represented that it is advisable to amend certain provisions of its charter, 60 Victoria, chapter 62, as amended by the acts 61 Victoria, chapter 55 ; 62 Victoria, chapter 61, and 63 Victoria, chapter 50 ; to grant it more extended powers ; to repeal a certain provision, and to declare that such provision has never had any effect ;

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

60 V., c. 62,  
art. 660, re-  
placed.

**1.** Article 660 of the act 60 Victoria, chapter 62, as enacted by the act 61 Victoria, chapter 55, section 9, is replaced by the following :

Issue of  
permanent  
debenture  
stock.

“ **660.** The city may issue permanent debenture stock, payable, either in currency or sterling, in accordance with articles 445 and 481 of the charter.

Interest  
thereon to  
be a charge  
upon prop-  
erty and  
revenues of  
the city.  
Proviso.

Such debenture stock shall bear interest at an average rate not exceeding four and one half per cent. per annum, and shall constitute a first and privileged charge upon the property and revenues of the city, subject always however to the prior charge of the presently existing outstanding bonds of the consolidated stock and the existing outstanding debentures.

Duration of  
period for  
which deb-  
enture stock is  
issued.

It shall nevertheless be lawful for the city of St. Henri to divide the period for which such debenture stock is issued into as many periods as it may deem proper, and to make such debenture stock bear a rate of interest varying with each period, in such manner however that the maximum rate of interest shall not exceed five per cent for any one period, and the average rate of interest to be paid during the whole period of issue shall not exceed four and one-half per cent per annum.”

Id., 450, re-  
placed.

**2.** Article 450 of the act 60 Victoria, chapter 62, is replaced by the following :

City may im-  
pose certain  
dues or taxes  
on :

“ **450.** It shall be lawful for the city, for the purposes mentioned in this section, to impose and levy certain annual dues or taxes on the following persons, resident or non-resident in the municipality, to wit :

Certain call-  
ings, trades,  
professions,  
&c.

On proprietors or occupants of houses of public entertainment, hotels, taverns, coffee houses, restaurants, temperance hotels ; on dealers in spirituous liquors, pedlars and itinerant

traders, companies or corporations, farmers and gardeners, selling, retailing, exposing, hawking, or offering for sale any kind of merchandise or commercial wares whatsoever, or the produce of their farm or garden, as the case may be, within the limits of the city, or causing any such merchandise or wares or the produce of their farm or garden to be sold, retailed or hawked therein; on all proprietors, possessors, agents, managers or keepers of theatres, circuses, billiard-rooms, ten-pin alleys or other places for games or amusements of any kind whatsoever; on caravans, manufactories of tallow and glue, public or private slaughter-houses, foundries, soap manufactories, oil refineries or other establishments of that kind; on all brewers, auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, coachmen, livery-stable keepers and distillers; on all merchants, manufacturers and their agents; on all proprietors and keepers of wood-yards or coal-yards in the city; on all money changers or exchange brokers and pawn-brokers; on all agents of bankers or banks or of building societies; on all insurance companies and their agents, and gas companies; on all incorporated companies, with the exception of railway companies; and, in a word, on all business, manufactures, callings, industries, arts, trades and professions, which are or may be exercised in or introduced into the city. Nothing contained in this article 450 shall affect any exemption from taxes lawfully granted to any corporation or person until the expiration of the term for which such exemption has been granted.”

Exemptions not affected.

**3.** Article 491 of the act 60 Victoria, chapter 62, is replaced by the following :

Id., 491, replaced.

“**491.** The council may, in any by-law made under the provisions of the charter, enact the imposition of punishment, by a fine not exceeding twenty dollars, or imprisonment not exceeding two months, in the discretion of the court, for enforcing any such by-law.

Power to impose fines or imprisonment.

Provided that it shall be lawful for the said council to declare that each day's infringement of the said by-law shall constitute a separate and distinct offence, and that each such offence shall be punishable in the manner above provided.”

Proviso.

**4.** Article 547 of the act 60 Victoria, chapter 62, is replaced by the following :

Id., 547, replaced.

“**547.** In default of payment of the fine imposed by the court, and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding two months, which imprisonment, however, ceases on payment of the sum due.

Imprisonment in default of payment of fine.

Imprisonment discharges judgment. Such imprisonment discharges the person who undergoes it from the obligation of satisfying the judgment against him."

Arts. added after id., 615. **5.** The following articles are added after article 615 of the act 60 Victoria, chapter 62 :

Arrest on view. "**615a.** Any constable or officer may apprehend and arrest on view, by day or by night, any person contravening the by-laws or resolutions of the city of St. Henri, the infringement whereof is punishable by fine or imprisonment, in order that the said person may be brought before the recorder's court.

Proceedings may be had in absence of accused, &c. "**615b.** It shall be lawful for the recorder's court to proceed in the absence of the accused and to confiscate his deposit in the event of his not appearing on the day following his arrest or any other day fixed by the officer in charge of the station in which he is detained or by the recorder's court."

Id., 576, replaced. **6.** Article 576 of the act 60 Victoria, chapter 62, is replaced by the following :

Certain articles of Code of Civil Procedure to apply to recorder and recorder's court. "**576.** Articles 6, 8, 9, 17, 18, 19, 21, 22, 125, 126, 128, 129, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 147, 148, 151, 152, 153, 215, 236 and 519, articles from 667 to 699 inclusively, and articles 59 and 60 of the Code of Civil Procedure, as amended, shall apply *mutatis mutandis*, as the case may be, to the recorder and the recorder's court, except however that the sum or value mentioned in paragraph 2 of article 59 aforesaid shall be fifty dollars."

Arts. added after id., 580. **7.** The following articles are added after article 580 of the act 60 Victoria, chapter 62 :

Power of recorder's court to issue certain writs. "**580a.** The recorder's court may, in the matters within its jurisdiction, grant :

Attachment for rent ;

Attachment in revendication ;

Attachment after judgment ;

Simple attachment or attachment by garnishment before judgment on a demand exceeding five dollars, when it is established by the oath of the plaintiff or of his agent, that the defendant is secreting or about to secrete his property, is concealing himself or intends to suddenly leave the province with the view of defrauding his creditors.

Certain articles of Code of Procedure to apply to recorder, &c. "**580b.** The articles of the Code of Civil Procedure from 590 to 593, inclusively, and from 549 to 558, inclusively, shall apply *mutatis mutandis*, as the case may be, to the recorder and to the recorder's court.

The tariff of fees applicable shall be the tariff in force for the district circuit court in the province." Tariff of fees.

8. Article 159 of the act 60 Victoria, chapter 62, and article 5 of the act 63 Victoria, chapter 50, are replaced by the following : Id., 159, and 63 V., c. 50, art. 5, replaced.

"From the year 1903 inclusively, the election of mayor and aldermen shall take place every second year on the same day of the month of January. The mayor shall be elected by the majority of the votes of the municipal electors of the city polled at each election, and the aldermen shall be elected by the majority of the votes of the electors of each ward polled at each election." Elections of mayor and aldermen.

9. Article 50 of the act 60 Victoria, chapter 62, is amended by replacing paragraph 3 by the following : 60 V., c. 62, art. 50, amended.

"3. Unless he has had his domicile within the limits of the city during the six months preceding the election." Domicile required.

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

## CHAP. 52

An Act to amend the charter of the city of Hull

[Assented to 26th March, 1902]

**W**HIEREAS the city of Hull has, by petition, represented that it is expedient to amend its charter, for the following, among other purposes : Preamble.

1. To define the powers of the city and of its council respecting loans by means of issues of debentures, and particularly those respecting local or special improvements, and to ratify certain debentures already issued and other matters connected therewith ;

2. To better define the cases in which the by-laws of the council shall be submitted to the rate-payers and those in which the council may proceed by by-law or by resolution ;

3. To amend the provisions of the city's charter, respecting the election of the mayor and aldermen ;

And whereas it is expedient to grant such prayer ;

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