

CHAP. 53

An Act to amend the charter of the town of Levis

[Assented to 26th March, 1902]

Preamble.

WHEREAS the corporation of the town of Levis has, by petition prayed that its charter, as consolidated by the act 36 Victoria, chapter 60, and since amended, be further amended with a view to the better administration of the affairs of the town, 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 :

36 V., c. 60, s. 6, replaced.

1. Section 6 of the act 36 Victoria, chapter 60, as amended by the act 42-43 Victoria, chapter 57, section 2, and by the act 50 Victoria, chapter 58, section 2, is replaced by the following :

Qualification of councillors.

“**6.** No person shall be capable of being elected a councillor of the town of Levis, nor sit as such, unless he is able to read and write, unless he is a municipal elector, and unless he shall have been a resident of the said town for one year before such election, nor unless he be possessed within the limits of the town, for at least six months, in his own name and *bonâ fide*, of immoveable property of the value of one thousand dollars according to the valuation roll in force, after deduction of all just debts affecting such property.”

Id., 12, replaced.

2. Section 12 of the act 36 Victoria, chapter 60, as amended by the act 42-43 Victoria, chapter 57, section 4, is replaced by the following :

Qualification of electors.

“**12.** The persons entitled to vote at the municipal elections of the said town shall be all persons of the age of twenty-one years, possessed at the time as owners of real estate in the town of the real value of two hundred dollars, or of an annual value of twelve dollars, and tenants of the age of twenty-one years, residing and paying rent in the said town, at the rate of not less than twenty dollars per annum ; such value shall be established by the valuation roll in force at the time when the notices of such election are posted up.”

Id., 13, replaced.

3. Section 13 of the act 36 Victoria, chapter 60, is replaced by the following :

Where elector is to vote.

“**13.** Each elector shall vote in every ward in which he is qualified, at the poll held for such ward, and in favor of the candidate or candidates chosen for such ward.”

4. The following section is added after section 14 of the act 36 Victoria, chapter 60 : Sec. added after id., 14.

“ **14a.** No candidate shall be nominated for the office of councillor unless a written notice to that effect, signed by at least ten duly qualified municipal electors, has been handed in and deposited, during office hours, in the office of the secretary-treasurer, at least three days before the day fixed for holding the election, and unless such notice be accompanied by the written consent of each of the candidates nominated. Nomination of candidates.

If, at the expiration of the three days above-mentioned, there is only one candidate nominated for any seat, the presiding-officer shall, on the morning of the day fixed for the voting, proclaim such candidate elected for such seat.” Proclamation of candidate elected.

5. Section 17 of the act 36 Victoria, chapter 60, as amended by the act 42-43 Victoria, chapter 57, section 5, is replaced by the following : Id., 17, replaced.

“ **17.** If, at the expiration of the three days mentioned in section 14a, there is more than one candidate nominated for one or more seats voting shall take place. Polling if more than one candidate nominated.

The poll shall be open from nine of the clock in the forenoon until five of the clock of the afternoon of the day appointed for the said election ; each elector shall be entitled to vote in each ward in which he is qualified as an elector capable of voting at the election of councillors, and, at the close of the poll, the presiding officer of each poll shall declare elected members of the council the candidate or candidates, according to the number of councillors to be elected, who have obtained the greater number of votes polled, and in case two or more candidates have an equal number of votes, he shall give his casting vote in favor of that one or those of the candidates whom he thinks proper to choose, which said casting vote he shall have a right to give whether he is or is not qualified to vote. Holding of poll.

If, at any time after the voting has commenced, one hour elapses without any vote having been polled, the presiding-officer must declare the election closed, and declare elected the candidate or candidates having a right to be so declared.” Closing of election and proclamation of candidates elected.

6. Section 83 of the act 36 Victoria, chapter 60, as amended by the act 50 Victoria, chapter 58, section 5, and by the act 57 Victoria, chapter 61, section 4, is replaced by the following : Id., 83, replaced.

“ **83.** On all lands, town lots and parts of town lots, whether there be buildings erected thereon or not, a sum not exceeding one cent and one half in the dollar on their value as entered on the assessment roll of the said town ; Tax on lands, &c.

Proviso. provided one half cent of the said tax be exclusively reserved for the establishment and maintenance of a system of water-works and drainage."

Id., 84, re- **7.** Section 84 of the act 36 Victoria, chapter 60, as placed. amended by the act 50 Victoria, chapter 58, section 6, is replaced by the following :

Tax upon **" 84.** On all tenants paying rent in the said town an tenants. annual sum equivalent to not more than eight cents in the dollar on the annual value of the tenement, house, immoveable or part of immoveable, occupied by such tenant. Such tax may, however, be claimed from the owner of the immoveable leased, with privilege on the said immoveable ranking the same as a tax on real estate. The proprietor who shall have paid the tenants' tax shall be *de jure* subrogated without any formality in the right and privilege of the corporation against such tenant for the recovery, by action of debt before a competent court, of the amount in capital, interest and costs, which he may have paid.

Proprietor **In case of the bankruptcy or insolvency of the tenant and paying ten- of the judicial distribution of his property, however, the ant's tax, subrogated in corporation shall have the right to claim what is due it on the corporation's rights against moveable assets of the insolvent as if it had never had any such tenants. before a competent court, of the amount in capital, interest and costs, which he may have paid.**

Proviso in **8.** The following section is added after section 106 of the case of bank- act 36 Victoria, chapter 60 : ruptcy, &c.

Section ad- **" 106a.** To compel the closing of all barbers' establish- ded after id., ments or shops throughout the whole day on Sundays." 106.

Closing of **9.** Section 112 of the act 36 Victoria, chapter 60, as barbers' shops amended by the act 42-43 Victoria, chapter 57, section 10, on Sundays. is replaced by the following :

Id., 112, re- **" 112.** To regulate and establish when and in what placed. manner sidewalks shall be placed, made or repaired in the streets of the town, and what the length, width and quality shall be. The making and maintenance of the said sidewalks shall in all cases be at the expense and under the control of the corporation, but with the obligation upon the rate-payers owning the lands adjoining the said sidewalks, of paying and reimbursing to the said corporation the cost of making or maintaining the same, as the case may be, in the proportion of three fourths."

Sidewalks. **10.** The officer appointed by the corporation and hitherto designated under the name of secretary-treasurer shall hereafter be known and designated under the name of "the clerk," and shall have all the powers, duties and attributes

Name of sec- **10.** The officer appointed by the corporation and hitherto retary-treas- designated under the name of secretary-treasurer shall here- urer changed after be known and designated under the name of "the to that of clerk," and shall have all the powers, duties and attributes clerk.

of the said secretary-treasurer. The word "clerk" shall be substituted for the words "secretary-treasurer," wherever the same may occur in the charter of the corporation of the town of Levis.

11. Section 138 of the act 36 Victoria, chapter 60, is replaced by the following : Id., 138, replaced.

" **138.** The corporation the town of Levis, as well as any ratepayer in his own name shall have a right to sue, by action of debt, before any competent court, for the recovery of all fines and penalties incurred for infringements to the by-laws of the city of Quebec respecting the ferry between Quebec and Levis." Suits for penalties, &c., under by-laws respecting ferry.

12. Section 139 of the act 36 Victoria, chapter 60, is replaced by the following : Id., 139, replaced.

" **139.** The said corporation shall be empowered to make regulations forbidding all persons to make or establish one or more roads or parts of roads on the ice-bridge formed on the river St. Lawrence, between Quebec and Levis, within the limits of the town of Levis, and to the middle of the river St. Lawrence, other than the roads fixed and laid out by the said corporation, under pain of the fines and penalties enacted by the said by-laws " Power of corporation respecting roads on ice over St. Lawrence.

13. Section 152 of the act 36 Victoria, chapter 60, is replaced by the following : Id., 152, replaced.

" **152.** It shall be lawful for the town council, from time to time, to borrow divers sums of money for effecting improvements in the said town, for the purpose of building one or more market houses, for constructing a system of water-works and drainage, or for providing for the lighting of the streets, lanes, markets and public squares and finally for all other purposes which the council may deem useful and necessary, provided always that such loans do not exceed twenty per cent. of the amount of the value of the assessable property within said town. Power to borrow for certain purposes, &c.

For that purpose the powers conferred by the act 40 Victoria, chapter 29, sections 310 and following, shall extend, for the town of Levis, to the establishment and maintenance of drains. Laws applicable.

Nevertheless the council of the town of Levis is specially authorized to borrow, under the provisions of its charter, a sum not exceeding \$500,000.00 for the construction and maintenance of a system of water-works and drainage in the said town." Authority given to borrow certain sum for water-works and drainage.

Id., 153,
replaced.

14. Section 153 of the act 36 Victoria, chapter 60, as amended by the act 56 Victoria, chapter 34, section 1, is replaced by the following :

How money
may be
raised.

“ **153.** The necessary moneys may be levied by means of debentures for a term not exceeding fifty years, repayable by annuities comprising the interest and sinking fund or otherwise ; which interest shall not exceed six per cent.

Taxable prop-
erty may be
charged with
repayment of
loan. &c.

All the taxable property of the town may be charged with the repayment of the said loans under the restrictions, as respects the water-works and drains, of section 312 of the act 40 Victoria, chapter 29.”

Id., 1, re-
placed.

15. Section 1 of the act 36 Victoria, chapter 60, as amended by the act 50 Victoria, chapter 58, section 1, is amended by repealing section 1 of the act 50 Victoria, chapter 58, and replacing it by the following :

40 V., c. 29,
to apply to
town, &c.

“ **1.** Notwithstanding any law to the contrary, the town corporations' general clauses' act, (40 Victoria, chapter 29), shall be deemed to form part of the charter of the town of Levis and the acts amending the same, and the provisions thereof apply to the town of Levis, in so far as they contain nothing contrary to the provisions of the charter of the town of Levis, and the acts amending the same, for, in the event of contradiction, the provisions of the charter of the town of Levis shall prevail, saving, however, the sections hereinafter mentioned of the said act 40 Victoria, chapter 29, which shall not apply and shall not form part of the charter of the town of Levis, to wit :

Certain sec-
tions not to
apply.

Sections 32, 39, 40, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 74, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 125, 126, 127, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159, 165, 166, 171, 172, 175, 177, 178, 179, 203, 208, 209, 210, 221, 222, 227, 228, 229, 230, 231, 232, 239, 323, 324, 328, 329, 330, 331, 332, 333, 334, 335, 339, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 372, 373, 374, 381, 382, 387, 388, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442.

M. C., 847,
not to apply
to town.

16. Article 847 of the Municipal Code, as contained in article 6185 of the Revised Statutes, is declared not apply to the town of Levis.

17. The following section is added after section 101 of the act 36 Victoria, chapter 60, as amended by the act 57 Victoria, chapter 61, section 9 :

Section added after 36 V., c. 60, s. 101.

"101a. For permitting, on such conditions and with such restrictions as the council may deem advisable to impose, the establishment or construction of any electric or street railway in the town ; for determining the number of persons to be carried in each car or vehicle used by such electric or street railway company ; for regulating the use of the motive power produced by steam, electricity or otherwise on any such electric or street railway ; for prescribing and regulating the speed of the cars, and for imposing penalties, not exceeding one hundred dollars, on any company or person operating such railway or upon his or its employees for each and every infringement of such by-law ; but nothing in this act contained shall prejudice acquired rights."

Establishment of electric railway in town, &c.

Acquired rights preserved.

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

Coming into force.

CHAP. 54

An Act to amend the charter of the town of Joliette

[Assented to 26th March, 1902]

WHEREAS the corporation of the town of Joliette has, by its petition, represented that it is advisable to revise and consolidate the provisions of the various acts respecting the corporation of the town of Joliette, and it is expedient to grant such prayer ;

Preamble.

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

1. The by-law passed and adopted by the council of the town of Joliette, on the 15th January, 1902, and approved by the municipal electors who are proprietors, on the 27th and 28th January, 1902, and intituled : "By-law No. 161," being Schedule A of this act, authorizing a loan of thirty-one thousand dollars for the construction of a sewer from the Great Northern Railway station to the river L'Assomption and passing by Ste. Anne, St. Louis, Ste. Marie streets, Place Bourget, Manscau and Gaspard streets, for changing the in-take of the water and for continuing the water-works on the east side of the river," is confirmed, ratified and declared valid.

By-law No. 161 of 15 Jan. 1902, of council of town, ratified.

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

Coming into force.