

## C A P . L X .

An Act to amend the acts relating to the town of Saint Henri.

[Assented to 8th January, 1894.]

**W**HEREAS the town of St. Henri has, by its petition to this Legislature, prayed for amendments to its charter, and to the acts 42-43 Victoria, chapter 58, and 55-56 Victoria, chapter 53, which amend the same; and whereas it is expedient to grant its prayer and give it more ample powers;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The inhabitants of the town of Saint Henri and their successors inhabiting the said town are hereby incorporated under the name of the "City of Saint Henri."

Preamble.

City constituted.

Name.

**2.** The said city shall comprise all the territory contained within the present limits of the town of Saint Henri.

Boundaries of city.

**3.** Section 1 of the act 55-56 Victoria, chapter 53, is replaced by the following sections:

55-56 V., c. 53, s. 1, replaced.

**"1.** From and after the first of January next (1894), the city shall be divided into four wards, respectively called St. James' ward, St. Augustin ward, St. Antoine ward and St. Henri ward.

Division into wards.

**"1a.** The boundaries of the various wards are as follows:

Boundaries of wards:

St. James' ward is bounded to the north-east by Atwater street, follows the line of the Grand Trunk as far as the intersection in front of Notre-Dame street, as far as St. Peter street; to the south-west, it is bounded by the said St. Peter street, the whole east side of which it includes as far as the limits of the municipality of Côte St. Antoine, which are at the same time the limits of the said ward;

St. James' ward.

St. Augustin ward comprises the territory between Atwater street, the line of the Grand Trunk Railway and the Lachine Canal;

St. Augustin ward.

St. Antoine ward starts from the west side of St. Peter street, follows the limits of Côte St. Antoine as far as the west limits of the city of Saint Henri; is bounded to the west by Côte St. Paul road, as far as the line of the Grand Trunk Railway, and thence it follows the said line of railway to the toll-gate on Notre-Dame street;

St. Antoine ward.

St. Henri ward comprises the remainder of the territory of the city of Saint Henri, and extends from the bridge on Notre-Dame street to the gate on the Grand Trunk Railway;

St. Henri ward.

thence it follows the line of the Grand Trunk on the south-west side as far as Côte St. Paul road, which it follows as far as Lachine Canal, and thence follows the Lachine Canal as far as the Grand Trunk iron bridge.

Composition  
of council.

“1b. From and after the said first of January next, the council of the city shall consist of a mayor and of eight aldermen, two aldermen for each ward.

Quorum.

The quorum of the council shall be five members.

Election.

The election shall take place each year at the usual date, both for the mayor and for the aldermen; the mayor shall be elected by the majority of the votes of the municipal electors of the said 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.

Voting to be  
fixed by reso-  
lution.

“1c. The council may, at its option, by simple resolution, when an election is about to take place, order that the voting for the four wards shall be held at the city hall, or establish one or two polling places in each ward, where there is to be any voting, and where the votes will be polled both for the mayor and for the aldermen.

Polls.

When resolu-  
tion to be  
passed.

Such resolution shall be passed at least fifteen days before such elections.

Notice of  
nomination.

“1d. The city clerk, who is *ex-officio* presiding officer of every municipal election, shall give a notice indicating the place, day and hour when the candidates shall be nominated.

Notice of  
place where  
poll to be  
held.

Three days at least before the voting, the officer presiding at the election shall give notice of the place where the poll is to be held, by means of a public notice posted up at the city hall, also on the door of each poll, when the council shall have established any.

Election clerk  
and deputy  
presiding  
officers to be  
appointed.

“1e. The officer presiding at the election shall appoint an election clerk, who shall be bound to replace him in the event of his being unable to act; he shall also appoint a deputy presiding officer for each ward in which a poll is to be held.

Deputy presid-  
ing officers to  
be provided  
with lists of  
electors.

At least two days before the voting, the presiding officer shall give to each of his deputies the list or a copy of the list containing the names of the electors qualified to vote at each of the polls for which deputy presiding officers have been appointed.

Counting of  
votes.

“1f. After the close of the poll, a deputy presiding officer in each ward counts the votes polled in favor of each candidate, and gives a certificate thereof to each candidate or to his representative, and immediately makes a report at

the city hall to the officer presiding over the election, who declares and proclaims elected the candidate or candidates for the office of aldermen who have received the greatest number of votes in the ward, and the candidate for the office of mayor who has received the greatest number of votes in the city.

Report to  
presiding  
officer.

Proclamation  
of candidates  
elected.

" 1g. This declaration is filed in the office of the corporation to form part of its archives.

Declaration to  
be filed.

When the votes are equally divided, the officer presiding over the election is bound, under a fine of fifty dollars, to give without delay his casting vote in favor of the candidate whom he deems expedient, and to proclaim him elected.

Casting vote  
of presiding  
officer.

" 1h. Four of the eight aldermen of the city elected in January, one thousand eight hundred and ninety-four, one for each ward, shall go out of office at the following general election; the two aldermen for each of the four wards shall draw lots to decide which of the two shall first go out.

Aldermen  
going out of  
office.

In the following year, the other alderman shall go out of office, and then all the aldermen in their turn, according to seniority, shall go out of office, from year to year, in such manner that in each year four aldermen, one for each ward, shall be replaced.

If, between the nomination and polling, a candidate, either for the office of mayor or for that of councillor, withdraws, the person presiding over the election may declare the sole remaining candidate elected."

§. All the provisions of the charter of the town of Saint Henri and of the various statutes amending the same, as well as of the Town Corporations' General Clauses Act, in so far as they are consistent with the said charter, the said amendments and the present act, shall continue to apply, *mutatis mutandis*, to the city of Saint Henri; and all the by-laws, now in force for the town of Saint Henri, shall continue to be in force, as regards the city of Saint Henri, its inhabitants and the public in general.

Charter of  
town of St.  
Henri and  
amendments  
and general  
act to apply.

By-laws.

5. It shall be lawful for the city to have plans or maps made of all the territory within the municipality, subject to its jurisdiction, with indication of the streets, lanes, public places, and squares, or of the new dimensions which the city council intends to give them; and such plans or maps, when confirmed by the Superior Court, on petition to that effect, presented at least fifteen days after the first publication of a notice published two days consecutively in a French newspaper and in an English news-

Plans of city.

Confirmation  
of plans.

paper of the city of Montreal, shall be binding upon the city, the proprietors interested and all other persons whomsoever.

When plan confirmed, no compensation allowed for certain buildings, &c.

Proviso.

6. When any new street, square or public place indicated on the said plans is opened, or when any street or public place indicated on the said plans is widened, no compensation or damages can be claimed or given for any building or improvement, which the proprietors and other persons shall have erected or made, or caused to be made, subsequent to the confirmation of such plan, on any land reserved either for new streets, or public places or squares, or for the widening or enlarging of the same. Provided, however, that nothing in this act shall be interpreted as taking from the city the right of widening or extending any street, public place or square, indicated on the plan, after the confirmation thereof, or of renouncing to the opening, widening or extending of any existing street as indicated on the plan; but no alteration or modification of the kind shall be made unless it be decided upon at a meeting of the council, at which a majority of the members are present, on petition to that effect, signed by the majority of the proprietors on the street or part of the street, in which such changes are projected. After which, any judge of the Superior Court may, on petition presented for that purpose by the corporation, after the same notices as above mentioned, order that the duplicate of the plan, deposited as herein below set forth, shall be altered or modified in consequence.

Plans where deposited.

7. As soon as completed, a duplicate of each of such plans shall be deposited in the office of the prothonotary of the Superior Court for the District of Montreal, and another duplicate shall be deposited in the archives of the corporation, and, when such plans shall have been confirmed and ratified by the said court, the clerk of the city shall enter on the duplicate of each of such plans deposited in the archives of the corporation, a note of such confirmation by the Superior Court, as follows :

*"Confirmed by the Superior Court on the....."*

Power to widen St. James' street.

8. The city is authorized to immediately proceed to the widening of St. James' street, from the crossing of the Grand Trunk Railway of Canada to the western limits of the city, in accordance with the plan homologated to that effect in the Spring of one thousand eight hundred and ninety-three, on the petition of the town of Saint Henri, by following, as regards such expropriations, the formalities prescribed by its charter and the acts amending the same.

**9.** Section two of the act 55-56 Victoria, chapter 53, is <sup>55-56 V., c. 53,</sup> replaced by the following : <sub>s. 2, replaced.</sub>

**" 2.** The city may, by by-law, whenever it has an expropriation to be made, decide that the cost of such expropriation shall be paid out of the funds of the city, or shall be apportioned, in such proportion as the council may deem expedient, upon the immoveables belonging to the persons interested in the proposed improvement or who will benefit thereby." Cost of expropriation how paid.

**10.** No compensation shall be paid to tenants for damages, Limitation of compensation to tenants for expropriation. which they may suffer through the expropriation of the property leased by them, for more than the remainder of the year in which such expropriation is made, if such expropriation be made before the first of February, that is to say, more than three months before the first of May, and for more than one year in all, if the expropriation be made between the first of February and the first of May.

**11.** The city is authorized to pass a by-law forbidding all proprietors whose properties front on St. James' street or on Notre-Dame street, within the limits of the city, from building, in future, any houses less than two and a half stories high, built of stone, brick, or wood cased with brick, and forbidding every person from building, in future, anywhere within the city, houses less than two stories high, unless, however, such new houses be cottages. Materials of which houses are to be built on certain streets.

**12.** Whenever, in the case of the opening and widening of a street, or for establishing or enlarging a square, public place or market, the council shall find it more advantageous for the city to expropriate more than the land strictly required for the proposed improvement, the city shall have the right to expropriate such portion of the land constituting the excess of the expropriated property, by proceeding for such expropriation according to the formalities prescribed by the charter and its amendments for cases of ordinary expropriation. Proviso when more land expropriated than required.

**13.** The city shall have the right to acquire, for municipal purposes, properties within or without its limits, provided that, as regards property outside, it shall obtain from the municipality within which the property is so situated, the authorization to use the same for the purpose for which it has been purchased. Power to acquire property for municipal purposes.

**14.** The council may, by by-law, establish a court of record called the "Recorder's Court," which shall be presided Recorder's Court.

over by the recorder, who shall be appointed in the manner hereinafter prescribed, who shall sit in the city hall or any such other place as the council may determine.

Seal of court. The said court shall have a seal.

Appointment of recorder. **15.** The recorder shall be appointed by the Lieutenant-Governor in Council, and he shall be *ex-officio* a justice of the peace for the district of Montreal, having all the rights and powers of one or more justices of the peace and of the Recorder's Court.

Qualification. The recorder must be an advocate of at least five years' practice.

Appointment not to prevent his practising. Such office and the performance of the duties thereof shall not prevent the recorder from practising his profession before any other court, any law or regulation to the contrary notwithstanding.

Deputy Recorder. The by-law, establishing the Recorder's Court, within the limits of the city, shall mention how the recorder may appoint a deputy, how the clerk of the Recorder's Court shall be appointed, and what shall be the remuneration of each of them.

Coming into force. **16.** This act shall come into force on the day of its sanction.

## C A P . L X I .

An Act to further amend the charter of the town of Levis, as consolidated by the act 36 Victoria, chapter 60, and the acts amending the same.

[Assented to 8th January, 1894.]

Preamble. **W**HEREAS the corporation of the town of Levis has, by petition, prayed that its act of incorporation, as consolidated by the act 36 Victoria, chapter 60, and since amended, be again amended with a view to the better administration of the affairs of the said town ; and whereas it is expedient to grant its prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

36 V., c. 60, s. 2, replaced. **1.** Section 2 of the act 36 Victoria, chapter 60, as amended by the act 42-43 Victoria, chapter 57, section 1, is replaced by the following :

Boundaries of town. **" 2.** The boundaries and limits of the said town of Levis have been, and shall be as follows, that is to say : In front, by the St. Lawrence, at the depth of forty feet at low water ; in rear, by the brow of the hill, in rear of Lambie's