

C A P. L.

An Act to amend the acts relating to the corporation of the city of Quebec.

[Assented to 24th June, 1892.]

WHEREAS it has been represented that it is expedient to amend certain provisions of the various acts relating to the incorporation of the city of Quebec ;

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

FERRIES OVER THE RIVER ST. LAWRENCE.

1. Subsection 73 of section 29 of the act 29 Victoria, chapter 57, is amended by replacing the words : " to impose a penalty for all infringement of such by-law ", by the words : " and every infraction of the provisions of such by-law shall be punishable by a fine not exceeding forty dollars recoverable by a *qui tam* action ". 29 V., c. 57, s. 29, § 73, amended.

2. Subsections 74 and 75 of the said section 29 are repealed and the following provisions substituted thereto : Id., §§ 74 and 75, replaced.

" The city council may, if it is considered more advantageous to the city, make a by-law, authorizing the sale and adjudication, by public auction or by tenders called for as hereinafter provided, of the exclusive right of ferrying passengers, merchandize, animals and all other objects whatsoever between the said city and the town of Levis, for no longer than nine years, the said by-law fixing and defining the conditions of such sale. Power to make by-law to sell, &c., right of ferry to Levis.

The council may, by resolution, fix the day, hour and place of such sale, or of the final reception and opening of tenders, and notices of the same shall be published in the official newspapers of the corporation for at least ten clear days between the first publication of the said notice and the day fixed for the sale or for the final reception and opening of tenders. In case for any reason whatever, the said sale does not take place upon the day so fixed, another day may be fixed by another resolution. Day, hour and place of sale to be fixed by resolution, advertized, &c. Proviso, if sale does not take place.

A notarial deed of the said sale and adjudication shall be passed between the said city and the purchaser. The latter shall furnish two solvent sureties, accepted by the council, who will bind and oblige themselves, jointly and severally with him, towards the said city, to the payment of the price of sale, up to the sum of ten thousand dollars, and to the execution of all the conditions of the said deed. The security thus given shall continue to be binding during the whole term of the contract." Deed to be passed. Sureties for fulfilment of obligations.

MISCELLANEOUS PROVISIONS.

Appropriations may be voted after first of May.

3. If the amounts which should be voted in obedience to the act 29 Victoria, chapter 57, section 37, subsection 3, and the act 51-52 Victoria, chapter 78, section 58, could not be voted on or before the first of May, they may be voted after that date, and the by-law necessary for that purpose may also be passed after that day.

Prescription of action to rescind by-laws.

4. The right to demand the rescinding of a by-law passed by the city council is prescribed by three months from the date of its coming into force.

50 V., c. 57, s. 11, replaced.

5. Section 11 of the act 50 Victoria, chapter 57, is repealed and the following provisions substituted therefor :

Sidewalks to be kept, &c., by proprietors.

“ **11.** The sidewalks in all the streets of the city shall be made, kept up and repaired by the proprietor of each immoveable or property fronting on such sidewalk ; and the corporation shall reimburse to the said proprietor one fourth of the cost or value of such construction or repairs.

City to reimburse one fourth of the cost.

Notice if proprietor neglects to keep in repair.

If such proprietor neglects to make, keep up, repair or renew such sidewalk, as the case may be, the city inspector shall give him notice in writing to do what is necessary to such sidewalks. This notice should be addressed or left at the domicile of such proprietor, if he is a resident of the city, or at the house of the occupant of the said immoveable, if such proprietor does not reside in the said city. If the said proprietor does not reside in the city and the said immoveable has no occupant, then the said notice is not necessary.

To whom to be addressed.

If proprietor an absentee, &c.

If work not done within eight days, city may perform it and collect three fourths from proprietor.

If, within eight days following the said notice, the works required to be done to the said sidewalks have not been done, then such works shall be done by the corporation which may compel the proprietor to reimburse it by a sum of equal to three fourths of the cost of such construction or repair. This sum or amount equal to three fourths is recoverable as a tax, and in the same manner, and with the same privileges as all other taxes imposed upon real estate in the city ; but the proprietor, except in cases of express agreement to the contrary, has no right to oblige his tenant to reimburse him any portion whatever of the same.”

How collected from proprietor.

No recourse against tenant. Exception.

Depositing snow in vacant lots by other than proprietor prohibited. Penalty for so doing.

6. No person shall carry or deposit, upon any lot or vacant ground in the said city, snow taken from a lot or ground which does not belong to him or brought from elsewhere than the streets opposite his properties. And whosoever does so carry or deposit snow, or permits others to do so otherwise than as above set forth, is liable to a fine not exceeding twenty dollars, which may be recovered in the same manner as other fines before the Recorder's Court of the said city.

7. Subsection 3 of section 11 of chapter 57 of the act 29 Victoria, is hereby repealed and the following is substituted therefor :

“ 3. The mayor of the city of Quebec, the recorder of the said city and the chairman of the committee on by-laws of the council of the said city, shall form a board of revisers to revise the said lists of electors, and the mayor shall preside at the meetings of the said board.”

29 V., c. 57,
s. 11, § 3,
replaced.

Composition
of board of
revisers for
lists of elec-
tors.

8. Every action, suit or claim against the city for damages resulting from offences, quasi-offences, illegalities, accidents or fortuitous events, is prescribed by six months, counting from the day when the right of action arose, any article or provision of the Civil Code to the contrary notwithstanding.

But no such action suit or claim can be instituted unless a notice of thirty days containing the particulars of such claim and the address of the personal domicile of the claimant, be previously given to the said city.

Prescription
for suits in
damages.

Notice to be
given to city
and contents
thereof.

9. Subsection 3 of section 22 of the act 24 Victoria, chapter 26, is repealed, and article 573 of the Code of Civil Procedure shall apply to executions issued by the Recorder's Court of the city of Quebec.

24 V., c. 26,
s. 22, § 3,
replaced
and C. C. P.,
art. 573, to
apply to
executions.

10. Section 43 of chapter 46 of the act 33 Victoria, is replaced by the following :

33 V., c. 46,
s. 43, replac-
ed.

“ **43.** The council of the said city, if it is deemed advantageous, may by resolution exempt, from municipal taxes, either in part or altogether, for a period not exceeding ten years, any person, firms or corporate companies, who shall build a large hotel under the conditions mentioned in a resolution of the council of the said city, dated the twenty-ninth of January last.

Exemption
from munic-
ipal taxes may
be granted to
persons build-
ing an hotel.

This exemption does not apply to water rates or school taxes.”

Exception.

11. The first paragraph of section 28 of the act 33 Victoria, chapter 46, is amended so as to read as follows :

33 V., c. 46,
s. 28, § 1,
replaced.

“ **28.** The letting of the stalls of the various market halls of the city shall be effected by notarial deed, and the lessee shall furnish, to the satisfaction of the mayor of the said city, two solvent sureties.”

Leases of
stalls in mar-
kets to be in
notarial form
and sureties
required.

12. After the first section of the act 53 Victoria, chapter 68, the following paragraph shall be added :

53 V., c. 68,
s. 1, amended.

“ In case, through any cause whatever, the said pro-mayor was not elected at such first meeting of the said months, he may be elected at a subsequent meeting.”

Election of
pro-mayor at
subsequent
meeting pro-
vided for.

LOANS.

City authorized to borrow certain sum for :

Building fire brigade stations, &c. ;
Completing water-works and drainage, &c. ;

Improving streets, &c.,
acquiring public park, &c.

Power to issue debentures for such purpose.

How made and registered.

Power of reissue in case of redemption, &c.

13. The city is authorized to borrow an amount not to exceed three hundred and ninety thousand five hundred and seventy-five dollars for the following purposes alone :

1. Sixteen thousand dollars, for the construction and repairs of the city fire brigade stations ;

2. One hundred and seventy-eight thousand and seventy-five dollars, for the completion of the water-works and drainage in various streets of the city and in new streets to be opened shortly, and to improve the line of the water-works, between the city of Quebec and the reservoir at Lorette, lay a pipe on the bridge over the river called *des Mères*, clean out the bed of the river St. Charles, between lake St. Charles and the water-works dam at Lorette, and to complete the works for the introduction of the water-works and drainage in the quarters of the city where such works may be required ;

3. One hundred and ninety-six thousand five hundred dollars, for the use of the road department, the improvement of streets in the new wards St. Sauveur and St. Valier and others, sidewalks, a public park in the parish of St. Sauveur, in the said city, the land necessary for the said park not to cost more than fourteen thousand dollars, the widening and prolongation of certain streets already built, the repairing of public stairways, retaining walls to streets and public squares.

14. For effecting the said loan or a part thereof, the city is authorized to issue bonds or debentures as may be thought necessary for the purposes above mentioned for such amounts, redeemable in this Province or elsewhere, in Canadian currency or in the currency of any other country, at the periods, with interest, not exceeding four per cent, and in such manner as may be agreed upon between the city and the lenders or holders of debentures.

These debentures shall be made and enregistered in the same manner as those, the issue of which has been heretofore authorized for the city.

The power to issue the said bonds or debentures, conferred by this act, shall not lapse or become void, as the result of a first issue, but may be exercised from time to time, until the obligations comprising such issue are redeemed or paid and duly cancelled, or until the limit of the amount of obligations necessary for the total conversion of the said debt has been reached.

45 V., c. 100,
ss. 1 to 9,
replaced.

15. Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, of the act 45 Victoria, chapter 100, are repealed, and the following substituted therefor :

“ 1. The council of the city of Quebec may adopt such measures as it may deem expedient for the purpose of calling in the current bonds of the city of Quebec, either by redeeming them for cash, or by exchanging them for new bonds.

Power given to call in and redeem bonds.

“ 2. The council is authorized to obtain, by means of a loan, a sum not exceeding the amount required for redeeming the whole of the present or future debt of the city, and, for that purpose, to issue a sufficient amount of new bonds bearing an annual interest not exceeding four per cent, and to dispose of the same, on such conditions as it may deem most favorable.

Council may borrow money to redeem city debt and issue new bonds, &c.

“ 3. It may determine the denomination of such bonds, the currency (pounds sterling, dollars or francs) in which they shall be made payable, and the period and method of their redemption.

Denomination, &c., of bonds.

“ 4. It may also enact that such bonds shall be issued for a period not exceeding sixty-five years, at the periods fixed by the council ; or that they shall be payable by a certain number of yearly payments not exceeding sixty-five, or of half-yearly payments, not exceeding one hundred and thirty.

Term of such bonds.

“ 5. It may stipulate and order that such new bonds shall or shall not have a sinking fund.

Sinking fund.

“ 6. The said bonds or the proceeds thereof shall be exclusively devoted to the redemption or conversion of bonds then due by the city, as well as to the necessary expenses incurred in effecting such conversion.

Application of proceeds.

“ 7. The council is empowered to effect the conversion of the present debt of the city, by exchanging new debentures for the old ones, to effect such exchange at the rate of premium which may be agreed upon with the holders thereof, and, if necessary, to grant a discount upon the new bonds equal to their cash value.

Council may convert present debt by exchanging debentures, &c.

“ 8. The bonds, issued under this act, shall bear the seal of the city, and be signed by the mayor and countersigned by the clerk and the treasurer of the city of Quebec.

Signature and seal to bonds.

They shall be registered in a book kept for the purpose by the accountant of the city, who shall initial each of them, to establish the registration.

Registration of bonds and entry for that purpose.

To each of such bonds, interest coupons shall be attached, with the city treasurer's signature thereon, which coupons shall be payable to the holders of such bonds when the instalment of interest represented by them become due.

Coupons.

Payment only on delivery of coupons. Evidence of payment.

No payment of any such coupons can be required of the corporation, unless the same be delivered to it; and the possession of such coupons by it shall be *prima facie* evidence that it has paid the same."

Coming into force.

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

C A P. L I.

An Act to revise and consolidate the charter of the city of Sherbrooke and the several acts amending the same.

[Assented to 24th June, 1892.]

Preamble.

WHEREAS it is expedient to revise and consolidate the provisions of the several acts of the Legislature of the Province of Quebec, referring to the corporation of the city of Sherbrooke, and to vest certain powers in the said corporation;

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

TITLE I.

INCORPORATION.

Inhabitants incorporated. Name and general powers.

1. The inhabitants of the city of Sherbrooke and their successors shall be a body corporate, by and under the name of "The City of Sherbrooke," and, as such, shall have perpetual succession and a common seal, with power to renew, alter and modify the same at their pleasure; and shall be capable of suing and of being sued, of pleading and of being impleaded in all courts of law and equity, in all manner of actions, causes, transactions and matters whatsoever, of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable property, and of granting, selling, alienating, assigning, leasing and conveying the same, of entering into and becoming a party to any contracts and agreements, and of making, granting and accepting any bills, notes, bonds or other instruments or securities for the payment, or securing the payment, of any money by or to the corporation, and the performance of any other duty, matter or thing whatsoever in connection with the affairs of the said city.

TITLE II.

CITY BOUNDARIES—WARDS.

Boundaries and limits of city.

2. The boundaries and limits of the said city of Sherbrooke shall be those as defined for the town of Sherbrooke,