

“ It further takes cognizance of all suits between lessors and lessees, and proprietors or occupants, provided the amount of the rent does not exceed the annual value of fifty dollars, with power to order the summary ejectment of the occupants, if necessary, and the procedure in these cases shall be summary, and in every way similar to that followed in ordinary police court cases, and also all suits between masters and servants, apprentices, domestics or laborers, resulting from the hire of labour, provided the amount thereof does not exceed twenty-five dollars.”

Further jurisdiction in suits between lessors and lessees, masters and servants, &c.

CAP. LIII.

An Act to amend the act to incorporate the town of Saint Henri.

[Assented to 24th June, 1892.]

WHEREAS the town of Saint Henri has petitioned for amendments to its act of incorporation and to the act 42-43 Victoria, chapter 58, which amends the said act of incorporation ; and whereas it is expedient to accede to such prayer and to confer more ample powers upon the said town ;

Preamble.

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

1. The town of Saint Henri may, by by-law, be divided into four wards, named respectively : Saint James ward, Saint Augustin ward, Saint Antoine ward and Saint Henri ward.

Division of town into wards by by-law.

Such by-law shall not come into force before the first of January, 1894.

When to come into force.

2. The council shall have the right to expropriate the land required for the works ordered by it, in conformity with the provisions of the law respecting town corporations (article 4561, and following, R. S. Q.) ; but for the proceedings to be taken to obtain such expropriation, the formalities set forth in the following sections must be adopted.

Council may expropriate lands.

Proceedings to be adopted.

3. In case the council and the party expropriated cannot agree, or if the proprietor is a minor or is not in the enjoyment of his civil rights, the question shall be decided as follows.

If council and party expropriated cannot agree.

A notice shall be served by the town of Saint Henri or its attorney, upon the party to be expropriated, containing :

Notice to be served upon party expro-

priated and
what to
contain.

- a. A description of the land to be taken ;
- b. A declaration that the town of Saint Henri offers to pay a certain sum, which is therein mentioned, as an indemnity and compensation ;
- c. The name of the arbitrator for the town, in case the offer be not accepted.

Certificate to
accompany
notice.

This notice must be accompanied by the certificate of a sworn surveyor, not interested in the matter and not being the arbitrator named in the notice, establishing that the expropriation of the land is necessary for the town of Saint Henri, that he knows the land claimed and the damages which might result from the expropriation, and that in his opinion the sum offered is a sufficient indemnity.

Appointment
of sole acbi-
trator if party
expropriated
does not
accept offers
or appoint his
arbitrator
when refus-
ing.

4. If, within five days of the service upon him of such notice, the party expropriated does not notify the town of Saint Henri that its offers are accepted, or does not give the name of his arbitrator when signifying his refusal, then a judge of the Superior Court, upon being petitioned so to do, names a sole arbitrator to determine the amount of the indemnity.

Petition to
judge to ap-
point third
arbitrator.

5. If the party expropriated has, in the prescribed delays, given the name of his arbitrator and the amount of indemnity which he claims, then either party may petition a judge of the Superior Court to name a third arbitrator.

Petition to be
in writing.
Notice there-
of.

Appointment
of third ar-
bitrator by
judge.

6. This petition shall be in writing and five days' notice of the same shall be given to the opposite party.

After the expiration of which delay of five days, the judge of the Superior Court, upon evidence that the above prescribed formalities have been fulfilled, names the third arbitrator, who, with the two already named, proceeds to the arbitration.

Arbitrators to
be sworn.

7. Before proceeding, the arbitrators shall be sworn before a justice of the peace to faithfully and impartially perform the duties of their office.

Appointment
and duty of
secretary to
arbitrators.

8. At their first meeting, the arbitrators or the sole arbitrator may name a secretary, whose duties shall be to take down in writing all the proceedings, which shall be signed by the arbitrators at the end of each sitting.

Payment of
emoluments
of secretary
and other dis-
bursements.

9. The emoluments of such secretary are fixed by the arbitrators and are paid as are all things that may be necessary for the holding of the court, as part of the costs of arbitration.

Examination
of parties un-
der oath and

10. The arbitrators, in the course of the proceedings, or a majority of them, or the sole arbitrator, may examine the

parties under oath, and they shall proceed to the examination of the premises with the object of determining the amount of indemnity to be awarded. of the premises.

11. The arbitrators shall proceed at the time and place appointed by them, of which they shall have given a special notice of at least five days to the parties interested. When arbitrators shall proceed. Notice to parties.

12. In deciding the value of the indemnity to be paid, the arbitrators are authorized to take into consideration the increased value given to the property from which the expropriated portion is to be taken, and to compensate the increased value of the property against the inconvenience, loss and damage resulting from the expropriation. What to be taken into account by arbitrators.

13. The arbitrators, after having examined and valued the land and buildings, and taken into consideration the required powers, and having heard the parties and their witnesses, under oath administered by them, shall give their decision by means of a certificate. Award of arbitrators.

This decision shall be final.

To be final.

14. No defect of form shall annul the award of the arbitrators, if all the requirements of the law have been fulfilled, and if the award determine, clearly and concisely, the amount awarded and the lands, rights, buildings and other things for which such amount is an indemnity. Not to be annulled for defects of form. Proviso.

15. It is not necessary that the person, to whom the amount should be paid, be named in the award. Person to whom amount is payable need not be named.

16. The secretary of the arbitrators shall forward to the prothonotary's office of the Superior Court the minutes of the proceedings, as well as the certificate containing the award of the arbitrators. Minutes of proceedings, &c., to be sent to prothonotary's office.

17. The arbitrators may decide which party shall pay the costs of the arbitration. Decisions to costs of arbitration.

They decide also on the amount of remuneration each arbitrator shall receive, which remuneration shall not exceed five dollars per day. Remuneration of arbitrators.

18. By the payment, or legal tender, followed by a deposit in court of the amount of indemnity awarded to the party entitled to it, the award gives to the town of Saint Henri authority to take immediate possession of the property and to exercise the rights or effect the purposes for which the indemnity was granted. When town may take possession of property expropriated.

19. If resistance or opposition is offered to the taking possession of the property or to the exercise of such Proceedings if taking

possession is resisted.

rights, the judge may, upon sufficient proof of the award of the arbitrators, issue his warrant, addressed to the sheriff of the district, or to a bailiff, as he may think proper, to put the town in possession and to put an end to all resistance or opposition.

Notice to be given of application for warrant.

20. The judge shall grant such warrant, only when a notice of the time and place, when the application for the same shall be presented to him, has been served five days previously upon the proprietor of the property, or upon the person, having the right to pass a deed transferring such expropriated property, or having an interest therein.

Deposit of amount of award with prothonotary in certain cases.

21. If the town of Saint Henri has reason to fear hypothecary claims, or trouble, or, if the proprietor is a minor, it shall be lawful for it to deposit in the hands of the prothonotary of the district the indemnity and six months interest thereon, together with a copy of the award.

Award, title to property; proceedings in confirmation.

22. The award is then considered a title to the properties mentioned in it, and proceedings are taken to obtain a confirmation of the title in the same manner as in other cases of confirmation of title.

Effect of judgment of confirmation of title.

23. The judgment in confirmation of title extinguishes forever all claims against the property including unopened dower, as well as all mortgages and charges with which the property may be encumbered.

Distribution of moneys.

24. The tribunal shall issue such order for the distribution, payment or investment of the indemnity, and for securing the rights of all parties interested which it may consider right, according to justice and equity.

Costs by whom to be paid.

25. The costs of the proceedings shall be paid by the party indicated by the court.

Return of interest, if judgment of confirmation obtained within six months.

26. If the judgment in confirmation is obtained in less than six months from the depositing of the indemnity in the hands of the prothonotary, the court may order that a proportionate amount of interest be paid to the depositing party.

If after, additional sum for interest to be paid.

If the judgment is obtained only after the six months, the court shall order that an additional sum, as it may deem proper, shall be deposited to pay the amount of the interest.

Valuation roll of town to be made only every second year. R. S. Q., art. 4498 to 4514 varied.

27. Notwithstanding the provisions of article 4498 of the Revised Statutes of the Province of Quebec, and of the following articles as far as article 4514, the council of the town of Saint Henri may have the valuation roll of the taxable

property in the municipality made only every two years, instead of every year.

In the year following the making of the roll, the council of the town of Saint Henri shall itself make a just and equitable revision of the same, to the best of its knowledge.

Revision of roll in following year.

28. Subsection 5 of section 15 of the act 42-43 Victoria, chapter 58, is replaced by the following :

42-43 V., c. 58, s. 15, §5, replaced.

“ 5. To prevent all transfers of hotel, restaurant or retail liquor store licenses, or to determine under what conditions and in what manner such transfers may be accepted by the Collector of Provincial Revenue, and to impose upon the applicants for such transfers a tax not to exceed one hundred dollars for the transfer of hotel, restaurant and tavern licenses, and not to exceed ten dollars for the transfer of licenses for retail liquor stores.”

Transfers of licenses for hotels, &c.

Tax thereon.

29. Notwithstanding the provisions of article 4227 of the Revised Statutes of the Province of Quebec, the following conditions shall be sufficient to be a municipal elector :

R. S. Q., art. 4227, varied for town.

1. To have attained his majority and to be a subject of Her Majesty ;

Qualifications required to be municipal elector.

2. To possess in the municipality for upwards of six months, in his own name or in the name and for the profit and advantage of his wife, as appears by the valuation roll then in force, either as proprietor, a property of at least two hundred dollars real value, or as a tenant, holding on shares or at a rental or as an occupant under any title whatever, a property of an annual value of at least twenty dollars ;

3. To be entered on the valuation roll in force in the municipality as proprietor, tenant or occupant, or to be entered upon the list of municipal electors, if there is one.

30. Paragraph 8 of section 15 of the said act 42-43 Victoria, chapter 58, as added by section 5 of the act 51-52 Victoria, chapter 87, is amended by adding the following :

42-43 V., c. 58, s. 15, §8, and 51-52 V., c. 87, s. 5, amended.

“ To authorize the guardians of the peace of the town of Saint Henri to confiscate, for the benefit of the corporation, the effects, merchandise and articles of commerce of hawkers, peddlers, selling, retailing, peddling or offering for sale, in the streets, such effects, merchandise and articles of commerce, without having previously paid the duties or annual taxes imposed by the by-laws of the town of Saint Henri.”

Confiscation of articles in default of payment of dues.

31. In addition to the rights and powers conferred upon the town of Saint Henri, as well by its special charter and its amendments as by the law respecting town corporations, the council of the town of Saint Henri may further pass by-laws for the following purposes, namely :

Further power of council to pass by-laws for :

Extending
limits of
town ;

1. To extend the limits of the town by annexing any neighbouring municipality or any part thereof ; provided, always, that the by-laws for such purpose be sanctioned by the electors, proprietors of the municipality or part of the municipality which it is sought to annex, after notice regularly given in conformity with the law governing publications in force in such municipality.

Approval
of Lieutenant-
Governor in
Council ;

The by-laws, once so voted and approved by the council of the town of Saint Henri, shall be submitted to the Lieutenant-Governor in Council and shall come into force after his approval ;

Prohibiting
playing
games of bil-
liards, &c., in
hotels, &c.
Business tax
on hotel-
keepers, &c.

2. To prohibit the playing of the games of billiards, pool, pigeon-hole, and bagatelle, in all hotels, taverns and restaurants, on Sundays ;

R. S. Q., art.
927*b*, varied

3. To impose a business tax, not to exceed two hundred dollars, on all hotel-keepers, tavern-keepers and restaurant-keepers, having a hotel, tavern or restaurant, in the limits of the town of Saint Henri, notwithstanding the provisions of article 927*b* of the Revised Statutes of the Province of Quebec, added by the act 54 Victoria, chapter 13, section 30.

Homologation
of plan for
enlarging
Notre-Dame
street and
notice to be
given.

32. The council of the town of Saint Henri shall have a right to cause a plan for the enlarging of Notre-Dame street to be homologated, which, after notice, duly given as for the putting into force of by-laws, shall be deposited in the office of the council, where the parties interested may take communication thereof.

Proprietors
to leave line
of street when
building.

From and after the deposit of such plan so homologated, every proprietor on the said Notre-Dame street, who wishes to erect a new building, shall leave the alignment of the road such as indicated on the said plan ; and then the town of Saint Henri shall expropriate and pay to the proprietor for the part of the property so abandoned for the widening of the said street.

Town to ex-
propriate land
so abandoned.

Certain privi-
leges granted
by by-law not
affected by
act.

33. The provisions of this act shall in no manner affect the privileges granted by by-law, by the town of Saint Henri, to companies furnishing light, and railways worked by electricity or other motive power, which privileges are hereby ratified and confirmed.