

therefor the words "and which shall not be less one fifth."

9. Section 275 of the charter of the city of Montreal is amended by striking out all the words after the word "domicile," and substituting therefor the following words: Id., sec. 275. amended.

"No action for such damages or indemnity shall lie and no judgment shall be rendered unless such action has been instituted within six months after the day the accident happened." Limitation of suits for damages, &c.

10. It is hereby declared that the expropriation required to widen St. Lawrence street, in the city of Montreal, and the rights arising therefrom or which have arisen owing to the said expropriation, have been and shall be governed, for all purposes whatsoever, by the act 51-52 Victoria, chapter 79, notwithstanding the act 52 Victoria, chapter 79 and as if the latter act had not been passed. Law governing expropriations for St. Lawrence street widening.

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

### C A P. L X V I I I.

An Act to amend the acts respecting the Corporation of the city of Quebec.

[Assented to 2nd April, 1890.]

**W**HETHERAS it is expedient to amend certain provisions of the various acts which relate to the incorporation of the city of Quebec, and to add certain others thereto; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: Preamble.

#### PRO-MAYOR.

1. At its first meeting in the months of March, June, September and December, in each year, the city council shall elect one of the aldermen or one of the councillors of the said council to perform the duties of pro-mayor during the following three months; and the member so elected shall have and exercise all the powers, authority and privileges vested in the mayor, when the mayor is unable to exercise them through absence from the city, illness or other cause. Appointment and powers of pro-mayor.

Sub-section 2 of section 8 of the act 29 Vict., chap. 57, and section 1 of the act 31 Vict., chap. 33, amending the former, are repealed. 29 V., c. 57, s. 8, § 2, and 31 V., c. 33, s. 1, repealed.

## ASSESSORS.

29 V., c. 57, s. 18, § 1, repealed.

**2.** Sub-section 1 of section 18 of the act 29 Victoria, chapter 57, is repealed and the following substituted therefor:

Appointment of assessors by assessment board and composition of such board.  
Term of office.

“ 1. Four or more assessors shall be appointed by a special board, called the assessment board and consisting of the mayor, the recorder, and the chairman of the finance committee of the city.

Such assessors shall remain in office during the good pleasure of the said board.”

36 V., c. 55, s. 3, repealed.

**3.** Section 3 of the act 36 Vict., chap. 55, is repealed.

## WIDTH OF STREETS.

Width of streets to be hereafter opened.

**4.** Every street which shall hereafter be opened within the limits of the city shall be at least sixty-six feet wide ; and when a street already in existence is widened, it shall after such widening be at least forty feet wide.

Certain projected streets in subdivision of lot 3755 to be of certain width.

But the projected streets on a plan indicating the subdivision of part of lot No. 3755 of the official plan and book of reference for St. John's ward of the said city of Quebec, and generally called No. 4, Tower Field, belonging to the Reverend Ladies of the Hôtel-Dieu de Québec, the said streets being situate from the projected street called Racine street, running towards the west as far as the projected street called Boulevard street, namely Richelieu, St. Olivier, Latourelle and Richmond streets, may be of, and not less than the width of 38 feet, and the projected streets or avenues under the names of Racine, Taschereau and Boulevard streets shall not be less than 40 feet.

29 V., c. 57, s. 33 § 1, repealed.

Sub-section 1 of section 33 of the act 29 Vict., chap. 57, is repealed.

## EXPROPRIATION FOR PUBLIC PURPOSES.

Proceedings in default of agreement: Upon price of immovables, &c.

**5.** Whenever the city cannot come to an understanding with the vendor or person entitled to compensation :

1. Upon the price of an immoveable or portion of an immoveable, or a servitude which the city wishes to acquire, either in connection with the water-works or for the widening, opening or extension of the streets, or as a lot for some municipal building, or the establishing of public parks or squares, or for acquiring an active servitude, right of way, opening a drain or introducing pipes ;

Upon the price of a servitude.

2. Upon the price of a servitude upon any immoveable, situate within or without the limits of the city ;

Upon the damages from altering level of sidewalks.

3. Upon the amount of damages caused by changing the level of a sidewalk within the city ;

4. Finally upon any object whatsoever connected with public improvements, and within the powers of the council ;

In such case the city surveyor shall deposit in the office of the city clerk a certificate showing the amount of the price or compensation which he thinks should be allowed the vendor or the person entitled to such compensation on account of such immoveable or portion of immoveable or of any servitude and expropriation whatsoever, as above mentioned.

Upon anything connected with city improvements. City surveyor to deposit certificate showing value in office of city clerk.

6. The amount mentioned in such certificate is then tendered by notarial deed to the said vendor or the person entitled to such compensation.

Amount to be tendered by notarial deed.

7. If the offer be not accepted, a copy of the deed of tender is deposited in the office of the said city clerk, and the city then applies by petition to the Superior Court, sitting at Quebec, or to a judge thereof, for the appointment of three experts to inspect the place and establish the price or amount of the compensation to be allowed.

Proceedings if offer not accepted.

A notice of the petition shall be served, at least three clear days before it is presented, upon the person to whom the tender has been made.

Notice to be served.

8. If the person entitled to such price or compensation has no domicile in the said city, such offers may be made to his agent or attorney, managing such property ; in such case, notice of the said petition may be served at the domicile of such agent or attorney.

If person entitled to compensation absent, offer and notice to be made and served upon agent.

9. As soon as the petition is presented, the said city may deposit in the office of the said Superior Court, the amount of such legal tender and, after such deposit, the city may take possession of any such immoveable or part of an immoveable mentioned in the petition and exercise the powers conferred upon it by law as if the compensation had been finally determined and paid.

Deposit of amount of tender in office of Superior Court and city may afterwards take possession of property.

10. Articles 326, 327, 328, 329, 330, 331, 332, 333, 336, and 338 of the Code of Civil Procedure apply to references to experts under this act.

Provisions to apply to references to experts.

11. The experts are entitled to a fee of four dollars a day for the period during which they perform their duties.

Fees of experts.

12. The experts may hear the witnesses produced before them by the parties, and at their expense, and also the parties if they deem advisable.

Power of experts to hear parties and witnesses.

Witnesses may be sworn. Evidence to be oral.

Such witnesses and the parties may be sworn by one of the experts; the examination shall be *vivâ voce*, and the depositions shall not be taken down in writing.

When report to be made and how signed.

**13.** The report of the experts shall be made on or before the day fixed for that purpose by the court or judge; it is signed by the experts or made in notarial form and *en brevet*.

Difference of opinion between experts.

In case of difference of opinion between the experts as to the amount of the price or compensation, their award has full force and effect if two of them agree.

Statement of costs.

A statement of the costs must accompany the report.

Homologation of report after notice.

**14.** As soon as the experts' report is filed in the office of the said court, the city or the parties interested may, after three days' notice to the parties interested, apply to such court or to a judge thereof for homologation of the report to all intents and purposes; and the said court or judge, as the case may be, after ascertaining that the proceedings and formalities, above prescribed, have been duly followed, confirms and homologates the report, which, as regards the parties concerned, is final and without appeal.

Costs, if award does or does not exceed offer, by whom paid.

**15.** If the amount awarded by the experts does not exceed the amount tendered, the party expropriated may be condemned to pay all the costs of the expropriation; in the contrary case, such costs may be given against the city.

Amount to be deposited by city, if award exceeds offer.

**16.** If the amount deposited in the prothonotary's office by the city is less than that awarded by the experts, the city shall, within eight days from the homologation of the report, deposit the difference in the said office.

Certificate to be delivered by prothonotary upon deposit being made of money tendered and effect thereof.

**17.** As soon as the deposit is made after the homologation of the experts' report, the prothonotary delivers to the city a certificate (*acte*) of such deposit with the description of the immoveable expropriated, and such certificate (*acte*) of deposit constitutes a legal title in favor of the city to the ownership of such immoveable and is registered accordingly.

Effect of expropriation.

**18.** The said expropriation has the same effect as a judicial sale, as well as in the cases where the compensation is established by mutual agreement.

The whole or portion of a lot may be expropriated.

If the city council deems it advisable, it may expropriate the whole or a portion only of the immoveable.

Registrar's certificate to be obtained

**19.** After delivering such certificate of deposit, the prothonotary must, at the request of any party interested, and

at the expense of such party, obtain a registrar's certificate in connection with the said immoveable; he shall also publish, during two consecutive weeks in the Quebec Official Gazette and twice in an English and in a French newspaper, published, in the city, a notice of such deposit ordering the filing, within eight days from the final publication of the notice, of all oppositions for payment.

by prothonotary.

Notice to be given of such deposit.

**20.** After the expiration of the delay for filing the oppositions, the prothonotary draws up a report of distribution of the amount of the deposit as in ordinary cases before the Court.

Report of distribution when and by whom to be drawn.

Nevertheless, the amount of the deposit is not liable to any tax, commission or impost whatsoever.

No duty, &c., on such deposit.

The costs adjudged or taxed in favour of an interested party, or incident to the proceedings, shall be collocated in favour of those who are entitled to the same.

Collocation for costs.

**21.** Sub-sections, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of section 35 of the act 29 Vict., chap. 57, and sub-sections 5, 6, 7, 8 and 9 of section 36 of the same act are repealed.

29 V., c. 57, s. 35 §§ 4 to 6, and 8 to 21, s. 36 §§ 5 to 9, repealed.

#### CONTRACTS.

**22.** Section 28 of the act 29 Vict., chap. 57, as amended by section 13 of the act 29-30 Vict., chap. 57, is repealed and the following substituted therefor :

29 V., c. 57, s. 28 and 29-30 V., c. 57, s. 13, repealed.

" 28. Every contract, wherein the consideration exceeds two hundred dollars, which shall be given for the city, for work to be done by it or for articles or things to be supplied to it, shall be passed by notarial deed, and the party contracting with the city shall, as security for the performance of his contract, furnish such security as the council determine before according the contract.

Certain contracts to be by notarial deed and security to be given by contractor.

If the council has not determined the security to be furnished or decided that no security is necessary, such contract shall be void."

Contract void in certain event.

#### BY-LAWS.

**23.** Every by-law, heretofore passed by the city council in the absence of the mayor or pro-mayor, is declared valid as if it had been passed by the council sitting under the presidency of the mayor or pro-mayor.

By-laws passed in absence of mayor and pro-mayor valid.

The present section shall not affect cases decided by the courts nor pending cases.

Certain cases not affected.

**24.** The city council, as soon as suitable subways are constructed, may, by by-law :

Council may, by by-law :

Order electric wires, &c., to be placed under ground and polls to be removed.

Order that, after the period specified therein, which shall not be less than three years, electric, telegraph, telephone, electric light companies, or all similar companies, shall remove from the streets or public squares in the city the posts on which the electric wires of such companies are suspended, and that such electric wires be put under ground and not otherwise.

Council may have work done if companies do not.

In every by-law on this subject, the council may order that in default of such companies cutting down and removing the posts and wires within the delay specified in the by-law, the city shall have the right to have the same cut down and removed at the expense of the company in default.

Companies may make their own subways, &c.

Companies shall have the right to construct their own subways with the consent of the corporation and under the superintendence of the city surveyor.

Council further may :  
Regulate intensity of electric currents, &c.

**25.** The council may further pass by-laws :

1. For regulating the intensity or strength of electric currents to be carried along the wires, and to impose penalties for every infringement of the by-law to that effect ;

Regulate depth of building lots, &c.

2. For regulating and determining the depth of lots or properties to be divided into building lots in the city, provided the depth required be not more than one hundred feet ;

Order that plans of subdivisions of property be approved by city surveyor, before sale of lots, &c.

3. For ordering that any plan of the division of a property into building lots and opening streets on such property shall, before the same can be completed, and before the lots can be put up for sale, be approved by the city surveyor to whom the plan shall be submitted, and who shall have the right to make the changes therein which he may deem necessary in the interest of the city to make it conformable to the preceding provision ;

Order that plans of buildings to be erected be approved by city surveyor.

4. For ordering that no building can be commenced within the city before the plans of such buildings have been submitted to the city surveyor and approved by him, in so far only as the public health and safety are concerned ;

Compel owners of hotels, &c., to provide fire escapes, &c., &c.

5. For compelling owners of buildings occupied as hotels, theatres, factories, schools, places of public entertainment, and of all other buildings which the city council shall designate, to provide the same with proper apparatus for saving life ; for having the same examined, from time to time, by the city inspector, and to prohibit the use of such buildings as long as they are not so provided, and have not been inspected.

City authorized to borrow certain sum for :

**26.** The city of Quebec is authorized to borrow a sum of money to the amount of five hundred and twenty three thousand dollars, for the following objects, namely :

1. Two hundred and fifty thousand dollars, for public works and improvements in the new St. Sauveur and St. Valier wards : for introducing water from the city water-works and drainage therein ; for establishing police and fire stations ; putting up a fire alarm telegraph, and purchasing the land required for the widening of certain streets and other works therein. Improvements in St. Valier and St. Sauveur wards, &c.
2. Twenty-seven thousand six hundred and fifty-five dollars, to pay the balance of the cost of widening St. Ours, and Champlain streets, and St. John street within the walls ; Widening St. Ours, Champlain, and St. John streets.
3. Seventy-five thousand six hundred and fifty-five dollars, to pay for the work of paving and widening Grande Allée and other streets in the city. Paving &c., Grande Allée.
4. Twenty thousand dollars, to pay to the Government of this Province the price of a lot of land purchased from it for the purpose of building another City Hall with dependencies. Purchase of new city hall lot.
5. One hundred and fifty thousand dollars, for building a new City Hall with dependencies on the lot aforesaid. Building new city hall.

**27.** In order to effect such loan or a portion thereof, the city is authorized to issue bonds or debentures as it may deem necessary for the objects aforesaid, for such amounts, redeemable in the Province or elsewhere, in the currency of Canada or of other countries, at such date, with such interest and in such manner as may be agreed upon between the city and the lenders or holders of such debentures. Debentures to be issued therefor.

These debentures shall be made and registered like those whose issue is already authorized. How made and registered.

The authorization to issue such bonds or debentures, conferred upon the council by this act, shall not be interpreted as having lapsed after a first issue, but such power may be exercised, from time to time, until the debentures constituting such issue are withdrawn or paid and duly cancelled, or until the limit of the amount of debentures required to convert the total amount of such debt is attained. Authorization not to lapse after first issue, &c.

**28.** Section 11 of the act 45 Vict., chap. 109, is amended by replacing the words " upon such bonds as aforesaid " in the third and fourth lines, by the words " in this act." 45 V., c. 109, s. 11, amended.

**29.** Section 17 of the act 45 Vict. chap. 100, is amended by replacing the words " the recorder " in the thirteenth line of the said section, by the words " the recorder's court." 45 V., c. 100, s. 17, amended.

#### LICENSES.

**30.** Section 9 of the act 50 Vict., chap. 57, is repealed and replaced by the following : 50 V., c. 57, s. 9, replaced.

Require persons to take licenses for certain vehicles and horses for hire.

“ 9. To compel every person, keeping horses or vehicles for hire in the city, to obtain a license for that purpose from the council, by paying for the said license a sum not exceeding fifty dollars, and an additional sum, not exceeding ten dollars, for each horse and each vehicle intended only to be hired out at the domicile, office or place of business of the proprietor of such horses and vehicles, when the horses and vehicles, which shall be exempt from carrying numbers, shall not remain for hire on carters' stands.”

#### MUNICIPAL ELECTORS.

51-52 V., c. 78, ss. 2 to 11, replaced.

Qualifications of an elector.

31. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the act 51-52 Vict., chap. 78 are replaced by the following :

“ 2. To be entitled to vote at an election of mayor or councillor, a person must be at least twenty-one years of age ; have paid all his taxes on or before the fifteenth of December in each year ; be a subject of Her Majesty, by birth or naturalization, and be inscribed on the list of electors for aldermen or councillors for the ward in which he wishes to vote.

Qualification of electors for councillor.

3. Every person is also entitled to vote at the election of a councillor who is tenant or occupant, in the city of Quebec, of an immoveable or part of an immoveable, for which he pays an annual rent of at least fifty dollars, and if he has, before six o'clock in the afternoon of the fifteenth December previous, paid to the city treasurer all the taxes for which he is personally responsible to the said corporation, and if his name is inscribed on the list of electors for the election of councillors for the ward in which the immoveable is situated, of which he is the tenant or occupant.

Entries to be made in books by assessors.

The assessors shall, in future, enter in their books the names of all the proprietors, tenants or occupants of immoveables, with a statement of the venal value, the leasing value or the rent, as the case may be, of each immoveable or part of an immoveable occupied separately, even if such proprietor, lessee or occupant pays or does not pay taxes to the city.

#### LIST OF ELECTORS.

Preparation of lists of electors.

4. Between the fifteenth and the thirty-first days of December, in each year, the assessors shall prepare for each ward, from the books of assessment for the current civic year, two alphabetical lists, to wit : a list containing the names of all those who, according to such books, shall appear to be entitled to vote in such ward for councillors, and another list containing the names of all those who, according to such books, appear to be entitled to vote

Contents of lists.

for aldermen, and who shall have, before six o'clock in the afternoon of the fifteenth day of December, paid their assessments and taxes of all kinds which they owe to the city, as well, as all arrears thereof.

This provision does not, however, apply to the taxes for water supplied from the water-works of the said city. Water rates excepted.

If the said fifteenth day of December be a non-juridical day, the delay mentioned in this section extends only to six o'clock in the afternoon of the preceding juridical day. If fifteenth December, non-juridical day.

5. On the second of the month of January following, the assessors shall certify each of such lists and hand them to the city clerk, in whose office they shall remain deposited until the twelfth day of the same month, from nine o'clock in the morning to four o'clock in the afternoon. Deposit of lists in office of city clerk.

6. Before the second of January, the said clerk gives public notice of the deposit of such lists, informing the public by the notice that such lists shall, during the said period, be shewn to any person making application therefor; and every elector who may wish to apply for the insertion of a name in any of the said lists, or the striking of a name therefrom, shall do so within the delay fixed by law for so doing. Notice of deposit of lists and what to contain.

7. The board of revisors for revising the electoral lists shall commence to sit on the seventeenth of January in every year, at the city-hall, in the council room, at the hour specified in the public notice given by the clerk. When and where board of revisors to sit.

If the seventeenth of January be a non-juridical day, the first of such sittings shall be on the following juridical day. If 17th January non-juridical day.

8. No application for the insertion of a name in such lists or the striking of a name therefrom, is received at the city clerk's office after four o'clock in the afternoon of the sixteenth day of January. When notice to make corrections may be received.

9. Every such application shall state the reasons upon which it is founded, and if it be for the purpose of striking a name, it shall be served upon the person whose name is sought to be struck, at least two clear days before the seventeenth of January. Reasons to be given on application. Service of application.

Such service is effected and proved by a bailiff of the Superior Court in the same manner as the service of summons in civil matters. Service to be by bailiff.

If the person in question does not reside within the limits of the city, the notice is deposited in the post office of the city of Quebec, in a stamped and registered envelope, addressed to such person and posted at least three days before the seventeenth of January. If non-resident, notice to be given through post office.

10. At least four days before the seventeenth of January, the clerk shall give notice in a French and in an English newspaper, published in the city, of the day, hour and place at which the board shall proceed to the revision of such lists, and determining the order in which such revision shall be made. Notice in newspaper of day and hour of revising lists.

- Conclusion of revision. 11. The revision of the said lists shall be concluded on or before the twentieth of January in every year.
- Lists be signed and sealed after revision. After such revision, they shall be signed by the mayor and the clerk of the board and sealed with the seal of the corporation.
- Applications not decided before certain date to lapse. All applications for inserting and striking names in and from such lists, which are not decided and determined on the twentieth of January, shall, from that date, be deemed never to have been made."

## MISCELLANEOUS PROVISIONS.

- 51-52 V., c. 78, s. 20, amended. **32.** The following sub-section is added after section 20 of the act 51-52 Vict., chap. 78 :
- Oath of officer presiding at poll and before whom to be taken. " The officer presiding at the poll shall make oath before the recorder, the mayor or pro-mayor of the city, to faithfully and impartially perform the duties of his office."
- Provisions respecting assessment of real estate held under emphyteutic leases. **33.** In the case of an immoveable held by a lessee under emphyteutic lease, the city assessors may enter, in the assessment and taxation books, the name of such holder and that of the direct owner of the property of which such immoveable forms part, and both shall, after the expiration of existing leases, in each case, be jointly and severally liable for the payment of the assessments and taxes imposed on such immovable.
- What moveables are liable for business tax, etc. **34.** The same moveables and moveable effects, which by law are security for the payment of the rent of an immoveable or part of an immoveable, shall be subject to the privilege of the city for the payment of every personal tax or business tax due to the city by reason of any business, trade or profession being exercised or carried on, in or upon such immoveable or part of an immoveable.
- Section added after 51-52 V., c. 78, s. 32. **35.** The following section is added after section 32 of the act 51-52 Vict., chapter 78 :
- Elector who cannot mark his ballot may require and have assistance. " 32*a*. At the request of any elector, who cannot read or write, or who, owing to blindness or other physical infirmity, is unable to vote in the manner prescribed by this act, the officer presiding at the poll shall assist such elector by marking, in the presence of the candidate or his representative, the ballot-paper of such elector in favour of the candidate whom he names and by depositing such ballot-paper in the ballot box."
- Sections added after 51-52 V., c. 78, s. 50. **36.** The following sections are added after section 50 of the act 51-52 Vict., chap. 78.
- Petition for recount before judge, when to be made. " 50*a*. In the four days following that on which the city clerk has declared a member of the city council elected, it shall be lawful for any elector to apply, by petition to a

judge of the Superior Court at Quebec, for a recount or a new addition of the votes.

“ 50*b*. Such petition shall be supported by an affidavit to the effect that the officer presiding at the poll has improperly received or rejected any ballot-papers at such election, or has improperly summed up the votes. Affidavit in support thereof.

“ 50*c*. The judge, to whom the said petition is presented, shall issue an order specifying the place, day and hour at which he will proceed to examine the ballots, and commanding the city clerk to attend then and there with the parcels containing the ballots used at the election. Judge to fix day, place and hour for recount.

The order shall be served upon the city clerk and upon the candidates interested, two days before the day fixed by the judge as aforesaid. Service of order.

“ 50*d*. At the time and place fixed, the judge shall proceed to recount all the said votes or ballots, to examine the ballots set aside or spoiled, and to verify and correct the counting of the ballots and the statement of the number of votes given for each candidate, and shall deliver all the said ballots, with a certificate of the result of his examination, to the said city clerk who shall declare elected the candidate who shall have received the greatest number of votes according to the judge's certificate.” Proceedings by judge at recount.

**37.** In all cases not specially provided for by this act, the proceedings followed for the election of members of the Legislative Assembly of this Province shall apply *mutatis mutandis* to the elections of members of the said city council. Election act to apply to elections of members of council in cases not specially provided for.

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

## CAP. LXIX.

An Act to amend the various acts relating to the corporation of the city of Three Rivers.

[Assented to 2nd April, 1890.]

**W**HEREAS the corporation of the city of Three Rivers has, by its petition, prayed that certain amendments be made to the act 38 Victoria, chapter 76, and the various acts amending the same; 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: Preamble.

**1.** Section 1 of the act 49-50 Victoria, chapter 46, replacing section 12 of the act 38 Victoria, chapter 76, is replaced by the following: 38 V., c. 76, s. 12 and 49-50 V., c. 46, s. 1 replaced.