

## CAP. LV.

An Act further to amend the provisions of the several Acts relating to the incorporation of the City of Quebec.

[Assented to 24th December, 1872.]

## Preamble.

**W**HEREAS the corporation of the city of Quebec have, by their petition, prayed for further amendments to the acts incorporating the city of Quebec, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Sub-sec. 3 of  
sec. 10, 33. V.,  
c. 46, amended.

**1.** The third sub-section of the tenth section of the act thirty-third Victoria, chapter forty-six, is amended by striking out the word "two," in the fourth line of the said sub-section, and substituting therefor the word "six."

Sub-sec. 16 of  
sec. 10 same  
act amended.

**2.** The sixteenth sub-section of the tenth section of the same act is amended by adding after the word "ward," in the fourteenth line thereof, the following words: "and in case of sickness, death, absence or incapacity for duty of the said recorder, the clerk of the recorder's court shall act in lieu and place of the said recorder, and with all his powers."

Recorder's  
clerk to act in  
place of Re-  
corder in case  
of sickness.

Sec. 19 of 34  
V. c. 35,  
amended.  
Time of filing  
complaint by  
treasurer  
extended.

**3.** The nineteenth section of the act thirty-fourth Victoria, chapter thirty-five, is hereby amended, by adding thereto the following words: "But the delay to file the said complaint by the city treasurer shall be extended to the last juridical day of the month of February of the then fiscal year."

Sec. 20 of 34  
V., c. 35,  
amended.

**4.** The twentieth section of the act thirty-fourth Victoria, chapter thirty-five, is amended by adding at the end of the said section the following words: "and on all sums due for water-rate from the said first day of November and the first day of May of each and every such year."

Sub-sec. 3 of  
sec. 32, of 33  
V., c. 46,  
amended.  
Debentures  
redeemable in  
20 years.

**5.** The third sub-section of the thirty-second section of the act thirty-third Victoria, chapter forty-six, is hereby amended by adding at the end of the said sub-section the following words: "But the said debentures might always have been and may be issued, redeemable in twenty years from the date thereof."

Sub-sec. 6 of  
sec. 11 of 29 &  
30 V., c. 57,  
repealed.

**6.** Sub-section six, of section eleven, of the act twenty-ninth and thirtieth Victoria, chapter fifty-seven, is hereby repealed.

7. The first section of the act thirty-fifth Victoria, chap-  
 ter thirty-three, is hereby amended by adding at the end  
 of the said section the following words: "But it shall be  
 optional to the corporation to issue, under the signature of  
 the mayor and of the city treasurer and the seal of the said  
 corporation, terminable debentures instead of the said per-  
 manent stock," (The Quebec water works stock, class A,  
 and the Quebec public property stock, class B,) the said  
 debentures to be redeemable in a time not exceeding  
 twenty years from the date thereof, and bearing interest at  
 a rate not exceeding seven per cent per annum, payable  
 semi-annually; the payment of the said debentures and  
 interest to be secured by a sinking fund of two per cent,  
 to be taken yearly from and out of the annual revenues  
 and funds of the corporation of the said city of Quebec,  
 which said sum of money the city treasurer shall keep apart  
 from all other moneys for the ends aforesaid, and the said  
 treasurer shall invest the sums thus set apart for such sink-  
 ing fund in public securities, in stock, or bonds of the Do-  
 minion of Canada, or of the province of Quebec, and not  
 otherwise."

Sec. 1 of 35 V.  
 c. 33, amended  
 Debentures  
 class C can be  
 issued in place  
 of stock, class  
 A. & B.

8. The right of issuing writs of *saisie exécution*, *saisie*  
*arrêt* and other writs of execution in the recorder's court,  
 on judgments obtained in the said court, shall be extended  
 to the notices issued by the city treasurer under the  
 thirtieth section of the act thirty-third Victoria, chapter  
 forty-six, the said notices, in default of payment as mention-  
 ed in the said section, having the same legal effect as a  
 judgment of the said recorder's court.

Right of saisie  
 arrêt, &c.,  
 extended to  
 treasurer's  
 notices.

9. Although the registration of the transfer of debentures  
 required by section thirty-six of the act thirty-third Vic-  
 toria, chapter forty-six, may not have been or may not be  
 effected as required by the said section, it shall not impair  
 in any manner whatsoever the said debentures, which shall  
 remain in their full force and virtue, notwithstanding the  
 non-registration of the transfer thereof as aforesaid, and the  
 said debentures might always have been and may be issued  
 payable to the bearer, and with coupons in the usual form.

Non-registra-  
 tion of transfer  
 of debentures  
 not impairing  
 the said deben-  
 tures.

10. The corporation of the city of Quebec is hereby au-  
 thorized to issue, under the signature of the mayor and of  
 the city treasurer and the seal of the said corporation, de-  
 bentures to the amount of sixty thousand dollars, for the  
 purpose of raising a like sum, to be applied to the prolong-  
 ation of Dalhousie street westward from St. James street to  
 Champlain market, in the city of Quebec; the said deben-  
 tures redeemable in twenty years from the date thereof,  
 and bearing interest at a rate not exceeding seven per cent

\$60,000 of  
 debentures to  
 be issued to  
 open Dalhousie  
 street.

per annum, payable semi-annually, the payment of the said debentures and interest thereon to be secured by a sinking fund of two per cent to be taken from and out of the annual revenues and funds of the city, which said sum of money the city treasurer shall keep apart from all other moneys for the ends aforesaid; and the said treasurer shall invest the sums thus set apart for such sinking fund in public securities, in stock or bonds of the Dominion of Canada, or of the province of Quebec, and not otherwise.

Prop., &c.,  
leasing houses  
to persons of  
ill-fame.

Penalty.

Default of  
payment.

Imprisonment.

**11.** All proprietors, usufructuaries or *grevés de substitution*, agents, and all other persons knowingly leasing, sub-letting, causing or allowing to be occupied within the limits of the city Quebec, any houses, premises or buildings whatsoever to or by persons of ill-fame, or reputed as such, for purposes of prostitution, or reputed as such, shall incur, for each and every infringement of the provisions of the present section, a penalty not exceeding two hundred dollars currency, or an imprisonment in the common gaol of the district of Quebec, for a period not exceeding six months; and in default of immediate payment of the penalty (if a penalty instead of an imprisonment is by the conviction imposed,) the offender shall be imprisoned in the said common gaol for a period not exceeding six months, unless such penalty be sooner paid. And all suits or complaints to recover such penalty shall be instituted in the name of the said corporation of the city of Quebec, before the recorder's court of the said city. And to that end the said court has the power to summon the transgressor, although he may reside without the limits of its jurisdiction, in the province of Quebec, to appear before the said court to answer to the charge brought against him to defend and be judged in conformity with the law which governs the said court.

Houses of  
retailers of  
spirited  
liquors, &c., to  
be closed from  
11 p.m. to 5 a.  
m., and whole  
of Sunday.

**12.** Every person licensed or not licensed to sell in the city of Quebec spirituous liquors, wine, beer, or temperance liquors, shall close the house or building in which such person sells or causes to be sold such spirituous liquors, wine, beer, or temperance liquors, on each and every day of the year, from eleven o'clock in the night until five o'clock in the morning, and during the whole of each and every Sunday of the year; and during the said periods of time no such persons shall sell or cause to be sold in such house or building, or any other place, spirituous liquors, wine, beer, or temperance liquors, neither shall any such house or building, or other place be kept open during the said periods of time by any such person, or by any other person whatever, under pain, for each and every infringement of the provisions of the present section, of a fine not exceed-

ing one hundred dollars currency, and in default of pay-<sup>Penalty.</sup>  
ment of the said fine, of an imprisonment not exceeding <sup>Imprisonment.</sup>  
three months, in the common gaol of the district of Quebec.

**13.** To carry out the provisions of the last sections here-<sup>Right of police</sup>  
in before mentioned, and in order to bring to justice all <sup>to enter houses</sup>  
persons contravening the same, any police officer or con- <sup>during said</sup>  
stable shall have power, on each and every day of the year, <sup>hours.</sup>  
from midnight until five o'clock in the morning of each  
and every of the said days, and during the whole of each  
and every Sunday of the year, to enter any house, building  
or other place whatever in which spirituous liquors, wine,  
beer, or temperance liquors are sold, or caused to be sold.

And any person or persons who may be in any such <sup>Refusal of ad-</sup>  
house or building or place whatever herein above enume- <sup>mission liable</sup>  
rated in the present section, as well as in the said last <sup>to fine.</sup>  
section above mentioned, or who may be in charge thereof,  
and who shall refuse, or, after due summons, fail to admit  
any such police officer or constable, or in any way oppose  
or obstruct his admission to any such house, building or  
other place whatever, shall incur, for each and every such  
offence, a penalty not exceeding fifty dollars currency, and  
in default of immediate payment of the said penalty an im- <sup>Imprisonment.</sup>  
prisonment not exceeding three months in the common  
gaol of the district of Quebec.

**14.** Every fine and penalty imposed by this act for the <sup>Fine and pen-</sup>  
punishment of any offence committed against the provisions <sup>alty to be re-</sup>  
of this act shall be sued for before the said recorder's court, <sup>covered before</sup>  
and heard and decided in a summary manner in conformity <sup>recorder's</sup>  
with the law regulating the said court. <sup>court.</sup>

**15.** It is further enacted that in order to simplify the <sup>To simplify</sup>  
mode of taxation at present followed in the city of Quebec, <sup>taxation.</sup>  
for certain taxes levied therein, it is enacted by the present  
as follows: That the assessments or special rates herein-  
after mentioned, viz:—

1. Special tax for the widening of part of Champlain <sup>Special tax to</sup>  
street of one half-penny in the pound, levied by a by-law of <sup>widen Cham-</sup>  
the corporation of the city of Quebec, of the second day of <sup>plain Street.—</sup>  
February, one thousand eight hundred and fifty-seven, in <sup>By-law, 2nd</sup>  
virtue of the sixty-first section of the act eighteenth Victoria, <sup>Feb., 1857,</sup>  
chapter one hundred and fifty-seven; <sup>Sec. 61, 18 V.,</sup>  
<sup>c. 157.</sup>

2. The special tax for the widening of Arago, Caron and <sup>Special tax to</sup>  
Craig streets of one half-penny in the pound, levied by a <sup>widen Arago,</sup>  
by-law of the said corporation, of the twenty-fourth July, <sup>Caron & Craig</sup>  
one thousand eight hundred and fifty-seven, in virtue of <sup>Streets.—By-</sup>  
the said sixty-first section of the act above mentioned; <sup>law 24th July,</sup>  
<sup>1857, sec. 61,</sup>  
<sup>18 Vic., c. 157.</sup>

3. Special tax for the widening of part of the said Cham- <sup>Special tax to</sup>  
plain street of one half-penny in the pound, levied by a <sup>widen Cham-</sup>

plain Street,—by-law of the said corporation of the twenty-ninth January, one thousand eight hundred and fifty-eight, in virtue of the sixty-first section of the said act above mentioned ;

Special tax to widen Porch Street.—By-law of the said corporation of the sixth of June, one thousand eight hundred and sixty-two, in virtue of the said sixty-first section of the same act above mentioned ;

Special tax to widen Champlain Street.—6th June, 1862. 5. Special tax of one cent and a quarter in the pound for the widening of part of the said Champlain street, levied by a by-law of the said corporation, of the said sixth of June, one thousand eight hundred and sixty-two, in virtue of the said sixty-first section of the act above mentioned ;

Special tax for St. John and Prescott Gates.—By-law of 18th Nov., 1864, sec. 4, act 27 & 28 Vic., c. 59. 6. Special tax of one cent and a half in the pound for St. John's and Prescott gates, levied by a by-law of the said corporation of the eighteenth November, one thousand eight hundred and sixty-four, in virtue of the fourth section of the act twenty-seventh and twenty-eight Victoria, chapter fifty-nine ;

Special tax to widen Champlain and St. Ours Streets.—By-law of 5th June, 1868, sec. 35,—act 29 V. c. 57. 7. Special tax of one quarter of a cent in the dollar for the widening of Champlain and St. Ours streets, levied by a by-law of the said corporation of the fifth of June, one thousand eight hundred and sixty-eight, in virtue of the thirty-fifth section of the act twenty-ninth Victoria, chapter fifty-seven, and also the special tax of one-half of a cent in the dollar, levied by the same by-laws ;

Chimney tax. 8. Chimney taxes of three shillings, five shillings, and two dollars, levied by by-laws of the said corporation of twenty-third May, one thousand eight hundred and fifty-one, and of the eighth June, one thousand eight hundred and sixty, in virtue of the tenth paragraph of the twenty-fifth section of the act fourth Victoria, chapter thirty-first ; are all and each of these taxes cancelled, and all and each of the sections of the statutes in virtue of which the said assessments or taxes have been levied, are by the present repealed, and in lieu and place of the assessments or taxes so cancelled, the council of the city of Quebec, is hereby authorized to levy and to collect on all the immovable property, subject to taxation in the said city of Quebec, an assessment or special tax of two cents in the dollar on the annual assessed value of the said immovable property, according to the annual assessment roll of the said city, the said assessment or tax to be levied and perceived each year on the proprietors or possessors of the said immovable property, and shall be recoverable according to the dispositions of the act concerning the levying and perception of the assessments and taxes in the said city of Quebec.

All above assessments repealed, and tax of two cents in the dollar substituted.

Imposition and levying of said tax.

And the said assessment or tax shall be imposed by the entry of the same in a separate column in the books of

assessments of the said city of Quebec, by the assessors of the said city or any of them, and this in the same manner and at the same time that the other assessments or taxes in the city of Quebec, are entered, and the said assessment or tax shall be levied and collected by the same legal process, in the same manner and the same proceedings and at the same time as all the other assessments or taxes imposed on the immovable property in the said city without any other formalities, and without it being necessary for the council of the said city of Quebec to make any by-law to that effect, and every statute, or part of statute, any by-law or part of by-laws, which are actually in force and relating to the assessments or taxes of the said city of Quebec, (save and except the by-laws or sections of by-laws concerning the said assessments and taxes cancelled by the present Act,) and all rights, powers, privileges which the said corporation of the city of Quebec has a right to exercise in virtue of the aforesaid statute or part of statutes, by-law or part of by-laws, shall bear, extend and apply equally to the said assessment or tax of two cents above mentioned, save also that it shall not be necessary for the council to pass a by-law for the imposition, levying and perception of the said assessment or tax above mentioned as aforesaid. The fourteenth section of thirty-third Victoria, chapter forty-six, shall apply to the said assessment or tax of two cents in the dollar.

14 sec. of 33  
Vic., c. 46  
applying to  
said assess-  
ment.

It is moreover enacted that all the arrears of assessments or taxes which are actually due to the corporation of the city of Quebec in virtue of the enactments of the by-laws or sections of by-laws which are cancelled by the present act shall be recoverable in virtue of the said by-laws or sections of by-laws in the same manner as if the present act had not been passed, and the cancelling of the said dispositions of the said by-laws or section of by-laws, as well as the repeal of all and each section of statutes in virtue of which were levied the said assessments or taxes, will not affect any act, suit, judgment, execution or proceeding whatsoever, pending or in force at the time of the repeal of the said dispositions of by-laws or sections of by-laws.

Arrears of  
taxes under  
by-laws now  
repealed still  
recoverable.

**16.** No person shall be eligible as alderman or councillor of the city of Quebec, unless he is a duly qualified elector of the said city.

Who may be  
elected alder-  
man or coun-  
cillor.

**17.** Section thirty-nine of the act twenty-ninth Victoria, chapter fifty-seven, in so far as regards interpretation, shall apply to all the provisions of this act.

Sec. 39, act 29  
V., c. 57.

**18.** The present act shall be considered as forming but one and the same act with the acts hereby amended.

This act to  
form one with  
acts amended.

Repeal of inconsistent provisions.

19. All acts, or portions of acts, contrary to or incompatible with the provisions of the present act, are hereby repealed.

## CAP. LVI.

An Act to legalize the compromise entered into between the School Commissioners and the Corporation of the City of Quebec.

[Assented to 24th December, 1872.]

Preamble.

WHEREAS the Roman Catholic School Commissioners of the city of Quebec, have presented a petition to the Legislature, setting forth that they have accepted from the Corporation of the city of Quebec, the sum of \$6,600, in payment of all arrears due by the said Corporation to the said School Commissioners up to the thirty-first December, 1871, and that they have also accepted the sum of \$4,454.30, in lieu of \$7,015.63, for the current year, (1872); and whereas the Protestant School Commissioners of the said city have also presented a petition to the Legislature, setting forth that they have accepted from the said Corporation the sum of five thousand dollars in payment of all sums due to them up to the first day of January last; and whereas the said Commissioners have respectively prayed this Legislature to legalize the said Commissioners and to hold them harmless from all responsibility in relation thereto; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Compromise mentioned in preamble legalized.

1. The compromise made as aforesaid, and set forth in the preamble of this act, is legalized, and the Roman Catholic and Protestant School Commissioners respectively, and the said Corporation of the city of Quebec, are declared to be freed from all responsibility in relation thereto.

## CAP. LVII.

An Act further to amend the Act Incorporating the City of Three Rivers.

[Assented to 24th December, 1872.]

Preamble.

WHEREAS it is desirable that amendments be made to the Act of Parliament of the heretofore Province of Canada, passed in the twentieth year of Her Majesty's reign, intituled: "An Act to make more ample provision for the

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