

C H A P . 86

An Act to amend the charter of the city of St. Hyacinthe

[Assented to 9th February, 1918]

WHEREAS the city of St. Hyacinthe has, by its petition, Preamble.
 represented that it is in the public interest and
 important for the proper administration of its affairs to
 amend its charter, the acts 51-52 Victoria chapter 83; 54
 Victoria, chapter 80; 58 Victoria, chapter 52; 3 Edward
 VII, chapter 65; 6 Edward VII, chapter 48, and 5 George
 V, chapter 95, in order to change the date of its municipal
 elections; to grant more ample powers to the clerk of its
 Recorder's Court; to obtain for itself more extensive
 powers; and to do away with certain provisions now
 governing it, in the manner and for the purposes hereinafter
 set forth;

Whereas it is expedient to grant the prayer to that
 effect contained in the said petition;

Therefore His Majesty, with the advice and consent of
 the Legislative Council and of the Legislative Assembly of
 Quebec, enacts as follows:

1. Article 5288 of the Revised Statutes, 1909, is replaced, R. S. 5288,
 replaced for
 the city.
 for the city, by the following:

"5288. A copy of such by-law shall be published once
 a week for one month in a French newspaper, and in an Publication
 of by-law,
 &c.
 English newspaper, published in the city, if any, and,
 whether the by-law be published or not in one or more
 newspapers, such copy shall be posted up at the door of
 the city hall, at the door of the parish church, at the
 door of the hall or building in which the council usually
 holds its meetings, and in at least six other public
 places in the said city, with a notice signed by the
 clerk of the city, certifying that it is a true copy of
 the original by-law, which will be taken into consider-
 ation by the city council, after the expiration of thirty
 days from the date of the posting thereof, as aforesaid,
 and stating that, on a day and hour and at a place in the
 said city, to be fixed by the mayor and named and
 designated in the notice, such day not being less than
 fifteen nor more than twenty days after such posting, a
 general meeting of the electors who are owners of immo-
 veables in the said city, will be held for the purpose of
 considering such by-law, and approving or disapproving
 thereof."

R. S. 5314, replaced for the city. **2.** Article 5314 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Vacancy in office of alderman.

"5314. If any vacancy occurs in the office of alderman, the mayor, within eight days after such vacancy, shall fix a day for the nomination of candidates, and also for the election in case of a contest, which election shall be held within thirty days after such vacancy.

Appointment of election clerk.

Eight days at least before the day fixed for the nomination, the clerk of the municipality, by a commission under his hand and according to form E, shall appoint an election clerk, and give the public notice prescribed in article 5419, and drawn up according to form G.

Procedure.

In other respects, such nomination and election shall be held as in the case of general elections, and the person elected shall hold office during the unexpired term of the previous incumbent's tenure of office."

Provisions repealed.

3. Sections 57 and 58 of the act 51-52 Victoria, chapter 83, are repealed.

R. S., 5350, not to apply.

4. Article 5350 of the Revised Statutes, 1909, is repealed for the city.

R. S., 5364, to apply to the city.

5. Article 5364 of the Revised Statutes, 1909, shall apply to the city.

R. S. 5372, replaced for the city.

6. Article 5372 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Persons not entitled to be entered on electors list.

"5372. The following persons shall not be entitled to have their names entered on the electors' list:

1. Persons who are no longer in possession as owners of the property on which they were qualified when the list was made;

2. Persons who are guests or lodgers in a hotel, boarding-house or private dwelling, and not otherwise qualified;

3. Tenants who, at the time of the revision of the electors' list, are no longer householders in the ward, and also tenants of any office, qualified as such, who have not actually occupied such office since the month of May next preceding, or who have ceased occupying the same at the time of the revision of the electors' list."

R. S., 5374, replaced for the city.

7. Article 5374 of the Revised Statutes, 1909, is replaced, for the city, by the following:

When electors' list

"5374. Prior to the first of May of each year, there shall be prepared by the clerk, or under his direction, in

the manner hereinafter mentioned, a list for the municipality of the names of persons entered on the valuation roll as well as on the tax collection roll of the municipality, and qualified to be entered in the electors' list." to be prepared.

8. Article 5383 of the Revised Statutes, 1909, is replaced, R. S., 5383, replaced for the city. for the city, by the following:

"5383. If the clerk has not made the alphabetical list of electors, or has not given or published the notice required by article 5379, by the third day of May, the judge of the Superior Court for the district, or, in the event of the absence of the district judge or of his inability to act, a judge of a neighbouring district, or the district magistrate, on summary petition of any person entitled to be entered as an elector in the municipality, shall appoint a special clerk to prepare the alphabetical list of electors." Appointment of special clerk to make list in default of clerk.

9. Article 5413 of the Revised Statutes, 1909, as enacted, R. S., 5413, replaced for the city. for the city, by section 24 of the act 5 George V, chapter 95, is replaced for the city by the following:

"5413. The election of the mayor shall be held every second year, and one alderman for each ward of the city shall be elected every year. When general elections are held.

The election of the mayor and aldermen shall be held on the second Monday of July, or, if such day be a non-judicial day, on the next day.

The first annual election under this act (8 George V, chapter 86) shall be held on the second Monday of July 1919, or, if such day be a nonjudicial day, on the next day; and the aldermen elected in February, 1917, shall remain in office until the elections in July, 1919, and the aldermen elected in July, 1918, shall remain in office until the elections in July, 1920, and the mayor elected at the elections in February, 1918, shall remain in office until after the swearing in of the mayor to be elected at the elections in July, 1920."

10. Article 5415 of the Revised Statutes, 1909, is replaced, R. S., 5415, replaced for the city. for the city, by the following:

"5415. Ten days at least before the first Monday of July, at noon, in the year in which a general election is to be held, the returning-officer, by a commission under his hand, in the form E, shall appoint an election clerk, and may, at any time during the election, appoint in the same manner, another election clerk, if the one first appointed resigns, or refuses or is unable to perform his duties as such clerk." Appointment of election clerk.

R. S., 5419, replaced for the city. **11.** Article 5419 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Notice of election to be given by returning-officer.

"5419. Eight days at least before the first Monday of July in the year in which a general election is held, the returning-officer shall give public notice in the form G under his signature, setting forth:

a. The place and time fixed for the nomination of candidates;

b. The day on which the poll for taking the votes of the electors will be held, in case a poll is necessary;

c. The appointment of the election clerk."

5 Geo. V, c. 95, s. 25, re-placed by the following:

R. S., 5421, replaced for the city.

"25. Article 5421 of the Revised Statutes, 1909, is replaced, for the city, by the following:

When nominations to be held.

"5421. The nomination of candidates at an annual election, shall be held on the first Monday of July, from ten to eleven o'clock in the forenoon. If such day be a holiday, it shall be held on the first juridical day following such date, and during the same hours."

Provision repealed.

13. Section 36p of the act 51-52 Victoria, chapter 83, as enacted by section 12 of the act 58 Victoria, chapter 52, is repealed.

R. S., 5506, replaced for the city.

14. Article 5506 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Liquor not to be supplied during certain days.

"5506. On the polling day no person shall, within the limits of the city, for a general or partial election in one or more wards, either sell for a price in money or in exchange for any article, or lend or deliver, or gratuitously supply any quantity whatever of spirituous or fermented liquor; and any person who so sells, lends, delivers or supplies such liquor, shall; unless he proves that the liquor so sold, lent, delivered or supplied was sold, lent, delivered or supplied for a sick person upon the certificate of a priest or minister of some religious denomination, or of a physician, be guilty of an offence triable summarily, and be liable to a fine of fifty dollars and to imprisonment not exceeding three months in default of payment; and whoever shall give or deliver a false certificate in respect thereof shall be guilty of an offence summarily triable, and shall be liable to a fine of fifty dollars, and, in default of payment, to imprisonment not exceeding one month."

Exception.

Penalty for false certificate.

51-52 Vict,

15. Section 48 of the act 51-52 Victoria, chapter 83,

as amended by section 15 of the act 58 Victoria, chapter 52, section 15, is repealed. c. 83, s. 48, repealed.

16. Articles 5636, 5637, 5639 and 5640 of the Revised Statutes, 1909, and their amendments to date, form and shall form part of the charter of the city of St. Hyacinthe. Certain articles of R. S., 1909, to form part of charter.

17. Paragraphs 1, 2 and 3 of article 5641 of the Revised Statutes, 1909, are replaced, for the city, by the following: R. S., 5641, am. for the city.

"1. Subject to article 5887, to order the opening of new streets, the widening, extension or changing of existing streets, the real cost of the acquisition of the lands required for such purposes to be levied and apportioned on the immoveables fronting on such streets, with exemption from such apportionment in favour of owners who give the land required for such purposes to the city free of charge; Streets and their opening, &c.

"2. To pave, macadamise or plank the whole or part of the streets of the municipality, and to levy and apportion the cost of the said work as enacted by section 46 of the act 58 Victoria, chapter 52; Paving, &c., of streets, &c.

"3. To order the making of sidewalks of wood, stone or other material decided upon, throughout the municipality or only through a part thereof, and to levy and apportion the cost of the said work, as enacted by section 46 of the act 58 Victoria, chapter 52; Sidewalks.

"3a. To determine the manner of keeping the sidewalks either at the cost of the municipality, the cost of such maintenance to be levied and apportioned as enacted by the first paragraph of section 46 of the act 58 Victoria, chapter 52, or at the expense of the abutting owners or on the opposite side of the street, or of a portion of the municipality, by means of a special local assessment upon them;". Maintenance.

18. Paragraph 16 of the said article 5641 of the Revised Statutes, 1909, is replaced, for the city, by the following: R. S., 5641, par. 16, replaced for the city.

"16. To regulate or prohibit the suspending of wires along or across all streets, alleys and public places; to require any and all wires within prescribed limits, or throughout the municipality, to be placed as it may determine, beneath the surface of the streets or elsewhere, and require any poles already erected or wires already suspended to be removed, and placed in conduits beneath the surface of the street or elsewhere, and to compel any or all wires, pipes or other constructions and conduits to be placed in a common area beneath the surface or elsewhere, Wires, &c., on streets, &c.

upon such terms as it may determine; to maintain and put up poles in the city streets, and compel every telegraph, telephone or electric company to put their wires, pipes and conduits on such poles, on conditions to be determined by the parties interested, or, failing an agreement, by the Quebec Public Utilities' Commission;".

R. S., 5641,
par. 33, en-
acted for the
city.

Title con-
firmed.

19. The following paragraph is added, for the city, at the end of article 5641 of the Revised Statutes, 1909:

"33. The titles to the ownership of the land in the city streets upon lot No. 676 of the cadastre of the city of St. Hyacinthe, as described in article 108 of by-law No. 10, are hereby confirmed for all lawful purposes."

R. S., 5659,
replaced for
the city.

Separate
pipes for
each tenant.

20. Article 5659 of the Revised Statutes, 1909, is replaced, for the city, by the following: .

"**5659.** In all cases where a house or other building is tenanted by two or more tenants, subtenants or families, the municipality may require the proprietor to provide a separate and distinct service pipe for each such tenant, subtenant or family, occupying separate apartments; such service pipe to have a stop-cock in the cellar of the said house or building, approved by the waterworks superintendent, so that the corporation may, at all times; have control over the supply of water furnished to each such tenant, subtenant or family, as in the case of houses occupied by a single tenant; and if the proprietor, after being notified in writing to that effect by an officer of the council, refuses or neglects to comply with the requirements of this article, within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of the rates imposed for the water so supplied to the said tenants, subtenants or families; and such liability on the part of the proprietor shall continue so long as he does not comply with the requirements aforesaid."

R. S., 5680,
replaced for
the city.

21. Paragraph 22 of article 5680 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"22. To regulate the place and manner of weighing and selling hay and straw, coal, lime, stone and all other building materials, and how firewood shall be measured and sold;".

Id., am for
the city.

22. The two following paragraphs are added, for the city, at the end of article 5680 of the Revised Statutes, 1909:

Sale of fuel
and food.

"24. To buy and to sell to the residents of the city of St. Hyacinthe, fuel and food throughout the duration of

the present war (1918); provided no such sale be at less than cost price;

"25. To have barbers' and hairdressers' shops close in the Barber evening of every day of the week or any day the council shops, &c. may wish, provided it be not earlier than seven o'clock in the evening."

23. Article 5735 of the Revised Statutes, 1909, as R. S., 5735, replaced for the city by section 37 of the act 5 George V, replaced for chapter 95, is again replaced, for the city, by the following: the city.

"**5735.** Subject to the provisions of article 1105, Tax on all the council may establish, impose and levy certain annual trades, &c. dues or taxes on all trades, manufactures, financial and commercial establishments, occupations, arts, professions, callings or means of earning a profit or a livelihood, carried on or followed by one or more persons, firms or corporations in the municipality, provided that such duties or taxes do not exceed in any case the sum of two hundred and fifty dollars per annum. Such dues or taxes may be different for persons who have not resided in the municipality for twelve months, and for persons who reside therein.

In addition to all other licenses and taxes levied or that may be imposed and levied under the provisions of the Tax on users of gas, charter, the city of St. Hyacinthe is authorized to impose, electricity and tele- on every person, partnership or company using gas or phone. electricity for lighting, heating or power purposes, as well as on those using the telephone service, a tax of not more than three dollars per annum for every installation of electricity or gas, and five dollars for every telephone instrument. Every person, partnership or company supplying gas or electricity or telephone service shall be required to collect such taxes from their customers and remit them to the municipal council in the manner and within the delay prescribed by the by-law imposing the tax."

24. Article 5779 of the Revised Statutes, 1909, as R. S., 5779, replaced by the act 4 George V, chapter 49, section 2, is replaced for again replaced, for the city, by the following: the city.

"**5779.** The council may effect loans by the issue of Issue of de- bonds or debentures under the signature of the mayor, bentures, countersigned by the clerk, and under the seal of the &c. municipality.

Such bonds or debentures shall be made payable to How pay- bearer or registered holder, at the dates fixed by the able. council, and shall bear interest payable yearly or half-yearly at dates to be fixed by by-law of the council, at a rate which shall not exceed six per cent."

R. S., 5792,
replaced for
the city.

Certain pro-
perty cannot
be expro-
priated.

25. Article 5792 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"5792. The council cannot expropriate the following:

1. Property belonging to His Majesty, or held in trust for his use;
2. Property occupied by the Federal or Provincial Government;
3. Property possessed or occupied by railway companies, *fabriques* or religious, charitable or educational institutions or corporations; provided the city of St. Hyacinthe has the power, for the extension of St. Joseph, Leman, Papineau, Trudeau, Bourassa, Turcot and "A" streets, to expropriate any property belonging to any religious institution or corporation whatsoever. If the land is ceded gratuitously the present owners shall be exempt from all assessments for the opening, making or maintenance of the said streets, sidewalks and sewers which may be constructed thereon;
4. Cemeteries, bishops' palaces, parsonages and their dependencies."

R. S., 5826,
replaced for
the city.

Duties of
clerk.

26. Article 5826, of the Revised Statutes, 1909, is replaced, for the city, by the following:

"5826. The clerk may prepare, make out, sign and receive all writs, warrants or orders that may be issued by the said court or by the recorder, like the recorder himself.

He shall conduct all cases and suits cognizable by the said court or the recorder, except in cases where the corporation or parties to suits wish to be represented by an advocate of their own selection.

In the absence of a presiding-officer over the Recorder's Court or of his inability to act, the clerk of the court may adjourn the court in the same manner as the presiding-officer himself."

R. S., 5836,
replaced for
the city.

Form of
writs, &c.

27. Article 5836 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"5836. Every summons, order, writ or warrant of any kind, issued by the court, shall be in the name of His Majesty, His Heirs or Successors, and shall be signed by the recorder, or by the clerk of the court, or by the assistant clerk."

Coming into
force.

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