

Municipal Institutions in the Province of Quebec

His Honor Mr. Recorder Weir, D.C.L., Montreal

(Continued.)

Town Corporations General Clauses Act.

In 1876 (34) the Town Corporations General Clauses Act was passed. It is reproduced in the Revised Statutes of Quebec under the title of Municipal Matters (Articles 4178 to 4640). Its provisions apply to every town corporation or municipality established by Act of the legislature, unless expressly modified by a special charter. At present the cities of Quebec, Montreal, Sherbrooke, Three Rivers, St. Hyacinthe and forty-two towns are incorporated by special statutes or charters which from time to time, on petition, the legislature amends. This Act gave a municipal council jurisdiction beyond the municipal limits where special power is conferred. Loans could only be made under a by-law of the council, afterwards approved by a majority of the property holders and a majority of the realty assessment. The council was given full control over specified subjects. The municipal lists and valuation rolls were made yearly; and special powers were given to commute taxes in favour of local industries and also to appropriate land for municipal purposes.

The Cities and Towns Act of 1903.

A fresh Act, called the Cities and Towns Act, 1903, specified in greater detail the powers and duties of cities and towns not governed under special statutes, and constitutes within its limits a species of general municipal Act. It is the latest and most complete delimitation of municipal functions, replacing the Town Corporations General Clauses Act. The Lieutenant-Governor in Council may, by letters patent, erect any territory forming a village municipality into a town municipality, if it contains at least 2,000 people; and may erect any village or town municipality into a city municipality if it has a population of 6,000, the number of the population being determined by a special census. The council applying for the erection of its territory into a city or town municipality must give public notice of its intention in the *Quebec Official Gazette*, and furnish certain particulars as to population, the proposed name and limits of the city, the number of its wards and councillors, the proposed time of voting, etc. (secs. 14-16).

Notwithstanding the excellent General Clauses Acts, with their provisions for the growth of villages and towns, and easy change of status from village to town and from town to city as population and area warrant, the very general tendency on the part of villages and towns is to apply to the legislature for special charters of incorporation; while the legislature, provided the application is made with a fair degree of unanimity, never withholds its consent, and presumably as unfailingly collects the incidental fees. The special Acts of incorporation that have been granted, notwithstanding the facilities offered by the municipal code and the General Clauses Acts referred to, are very numerous. But it is fair to assume that the "Cities and Towns Act of 1903" is likely to arrest the stream of applications.

The Municipal Code.

The province of Quebec also possesses a special municipal code, which was introduced into the legislature by the Honourable G. Ouimet, as Attorney-General, in 1870. It applies to all the territory of the province other than the cities and towns incorporated in virtue of the General Clauses Act, the Cities and Towns Act, or by special statute. This territory is divided into county municipalities, which are in most cases identical with the counties as electoral divisions for the provincial assembly (35). Each county may include country (rural), village and town municipalities. A country municipality may consist again of a parish or of a township or of a part of either, or of parts of more townships than one. The inhabitants and ratepayers of every county and every country village and town municipality form a corporation or body politic, having perpetual succession and a general grant of all powers necessary to accomplish the duties imposed upon it. As regards population, a country municipality must have three hundred inhabitants and a village at least forty inhabitants within sixty *arpents*.

Under the municipal code the county council is composed of the mayors in office in all the municipalities in the county. In the council these mayors bear the title of county councillor. The head of the council is the warden (in French *préfet*) who is chosen from among the county councillors in March of each year. The ordinary or general sessions of the council are held quarterly. Each council has seven members who are elected each year on the second Monday in January. Nominations may be either verbal or written, and the voting is open. If a municipality fails or neglects to elect the required number of councillors, the Lieutenant-Governor may appoint them. Councillors hold office for three years, two retire annually in each of two years and three in the third year.

The second part of the municipal code treats of the powers of councils, the powers being much the same as in Ontario. One exceptional clause allows an appeal to be made from the passing of a by-law to the county council, except as regards by-laws relating to the prohibition of the liquor trade and money by-laws. All real estate is taxable except government, religious and educational holdings, and (to a limited extent) those of railway companies. The valuation roll is made in the months of June and July biennially, is revised by the council, and is open for inspection during a specified period. The municipal code deals with the all-important subject of roads, specifying those persons liable to render services on roads in the absence of a *procès-verbal* or by-law, defining winter roads—the line of which is marked by means of *balizes* of spruce or cedar, etc. An interesting provision is to the effect that when two or more counties are jointly interested in any public work their county councils may each appoint annually three persons to a board of county delegates, the warden being *ex-officio* one of the three. Such works as roads and bridges come most frequently under their care and help to bring about a measure of municipal co-operation.