

No. 149.

1st Session, 6th Parliament, 21 Victoria, 1858.

(LOCAL BILL.)

BILL.

An Act to amend the Act passed in the 18th year of Her Majesty's reign, chap. 159, intituled "*An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.*"

Received and read, first time, Tuesday, 11th
May, 1858.

Second reading, Monday, 17th May, 1858.

MR. LANGEVIN.

TORONTO:
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An Act to amend the Act 18 Victoria chapter 159, and other Acts relating to the incorporation of the City of Quebec.

WHEREAS it is expedient to repeal in part, and to amend the provisions of an Act passed in the eighteenth year of Her Majesty's reign, intituled "*An Act to amend and consolidate the provisions contained in the ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town*"; Therefore Her Majesty, &c., enacts as follows :

Preamble.

18 V., c. 159.

I. The second section of the said Act shall be and is hereby repealed.

Sect. 2 repealed.

II. As well the tract of land which in and by a certain proclamation of His Excellency Sir Alured Clarke, Lieutenant Governor of the Province of Lower Canada, issued under the Great Seal of the Province and bearing date the seventh day of May, one thousand seven hundred and ninety-two, is described as being comprehended within the City and Town of Quebec, and which it was declared by the said Proclamation should be thenceforward called by that name, as well as all land extending to low water mark of the River St. Lawrence, in front of the said City and Town, together with the bed of the River St. Charles, opposite the said City, adopted at high water mark of the northern side of the said River from the prolongation of the line from St. Ours Street to the westerly line of the Nuns of the Hotel Dieu's Farm, thence running southward along the said line about five hundred and fifty feet to the southern extremity of a pier erected on the said farm at low water, thence running due east about eight hundred feet, to the intersection of the line limiting the beach grants of the Seigniorship of Notre Dame des Anges, at low water, and finally thence, along the said beach line, running north, forty degrees east to the intersection of the prolongation of the Commissioners' line for the harbour of Quebec, and thence following the said Commissioners' line to the westerly line of the City,—and in addition, all land comprised within the undermentioned limits, to wit: Commencing on the deep water Commissioners' line at Pointe au Pizeau and running north westward along the easterly line of the Seigniorship of Sillery, forming the western boundary of Mount Hermon Cemetery to the Cap Rouge Road, otherwise known as the "Chemin Sainos," thence in nearly the same direction a straight line to the intersection of the "Ruisseau à Prevost," where it crosses the St. Foye Road; thence running parallel to the Sillery line, to the head line of the concessions of Ste. Foye; thence westward, on the said head line to the westerly line of the property of the widow of the late Augustin Jourdain; thence along the said westerly line north-westward to the River St. Charles; thence along the said River St. Charles to the

Boundaries of the City of Quebec enlarged and described.

intersection of the prolongation of the easterly line of the "La Misère Road; thence along the said line to the depth of the first concession north of the River St. Charles; thence eastward along this first concession line to the "Savanne Road," and along the same to the Charlesbourg Road; thence southward along the Charlesbourg Road to the head line of the late Anthony Anderson's estate; thence running eastward along the said head line and that of the first concession of La Canardière, to the road east of the Asylum for the insane, which divides the Parish of Beauport from that of Saint Roch, and along the prolongation of the said road to the River Saint Lawrence till it intersects the Trinity line, limiting the beach grants of the Seigniorie of Notre Dame des Anges; thence on the said Trinity line running westward to the intersection of the said Commissioners' line at deep water of the River St. Lawrence, and finally thence along the said Commissioners' line to the point of beginning at Pointe au Pizeau,— shall from and after the passing of this Act, constitute, be, and be called the City of Quebec, and all wharves, piers and other erections made, or to be made in the said River Saint Lawrence opposite to, or adjoining the said City, though beyond low water mark of the said river, and extending as far as the said Commissioners' line and beyond the same, should it be hereafter extended, shall be held and considered to be within the limits of the said City.

All the said tract to be within the city.

Penalty on persons guilty of bribery or accepting bribes at city elections.

II. If any person who shall have or claim to have any right to vote at any election of a Mayor or of a Councillor in the said City, shall, after the passing of this Act, ask or take any money, or other reward by way of gift, loan or other device, or agree or contract for any money, gift or office, employment, or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself, or by any person employed by him, shall, by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure any person to give or forbear to give his vote in any such election, such person so offending in any of the cases aforesaid, shall for every such offence forfeit the sum of *ten pounds* currency, to be recovered with costs by any one who shall sue for the same before the Recorder's Court for the said City.

Candidates for mayor or councillors forbidden to use certain means of corruption.

III. It shall not be lawful for any candidate for the office of Mayor or Councillor for the said City, at any election thereof, directly or indirectly, to employ any means of corruption, by giving any sum of money, office, place, employment, gratuity, reward, or any bond, bill, or note or conveyance of land, or any promise of the same: or to threaten any elector of losing any office, salary, income or advantage, either by himself or his authorized agent for that purpose, with the intent to corrupt or bribe any elector to vote for such candidate, or to keep back any elector from voting for any other candidate; or to open and support, or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of the electors:—And in case any such candidate for either of the said offices returned as duly elected, shall be proved guilty of using any of the above mentioned means to procure his election, before the proper tribunal, his election shall thereby be declared void.

Election to be void.

Section, &c., of 18 V. c. 159, amended.

IV. The eighth section of the said Act shall be amended by adding thereto the following words, "and no person who shall directly or indi-

the said certificates being the parties named therein, may produce the same to the City Clerk of the said City in the City Hall thereof, or at any other place fixed upon by the Council, at any time within the hours and periods hereinafter specified, and after entry made by the City Clerk of the name of the said voter and the date of the production of the said certificate, the holder thereof being the party named as aforesaid, may deposit the said certificate in a suitable and closed box in the said City Hall, or at any other place fixed upon by the Council, labelled with the name of the ward in which the said party may be entitled to vote; of which description of box, appropriately labelled, the said Corporation shall furnish, one for each ward of the said City; at the time of producing and depositing the said certificate, the said voter shall be under no necessity of declaring or making known for whom he may vote as Councillor, and no entry or record of the party or parties voted for shall be made by the City Clerk, but only an entry of the name of the party voting and of the date when he shall produce and deposit as aforesaid his said certificate and vote; it shall be lawful for the Mayor or any Councillor of the said City to administer the oath prescribed in the fourteenth section of the Act passed in the eighteenth year of Her Majesty's reign, chapter one hundred and fifty-nine, as amended by this Act, to every party producing a certificate of qualification and claiming the right to deposit the same and vote at the said election; and it shall be imperative on the said Mayor and on each and every Councillor of the said City to administer the said oath upon requisition to that effect, of any duly qualified voter in the said City; and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting; and any person who shall swear falsely, upon the said oaths being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence; the said eight boxes (one for each ward) shall severally be locked with five locks each; each lock shall be different from the others, and shall be opened with a key of a different construction from the keys of any other of the said locks, so that no two of the said locks may be opened with the same key; and the keys of the said locks shall be given in custody to the Board of Revisors appointed by the Council, each of whom shall keep one key, so that the said boxes cannot be opened unless in the presence of all the members of the said Board: On the twenty-sixth day of December, or if that day be a Sunday or statutory holiday (*fête d'obligation*) on the twenty-seventh day of December, in each year, the Board of Revisors shall meet in the City Hall, shall open the said boxes, and shall cause the entries and record of the City Clerk in the said books to be perfected, by entering and recording in the said books the names of the persons for whom each voter shall or may vote to be elected Councillor or Councillors as aforesaid; and the Board of Revisors shall ascertain and report to the Council of the said City at its next meeting the total number of votes given for the Candidates for the office of Councillor, and for whom the greatest number of votes shall have been given in each of the said several wards; and the said Council, shall, after examination of the said books, certificates, and report of the said committee, thereupon declare the parties having the greatest number of votes to be elected councillors of the said city, and in case of an equality of votes, the said council shall determine which of the parties having the said equality shall be elected to office: Provided that the newly elected members, respecting whose election there

Deposit in the ballot box.

Mayor or councillors may administer certain oaths to voters.

False swearing to be perjury.

Examination of books, and declaration of candidates elected.

Proviso: as to order of swearing in councillors, &c.

is no question, shall, if present, be first sworn in, that they may vote in the said cases of equality of votes, if desirous of so doing; and the councillors going out of office, whom the newly elected councillors thus sworn shall subsequently replace, shall not vote in case of an
 5 equality of votes as aforesaid, and the said councillors elect shall afterwards respectively take the oaths prescribed by the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and fifty-nine, as amended by this Act, and the said books with the names of the said voters, and the names of the parties for whom they have res-
 10 pectively voted, together with the certificates produced and deposited by the said voters shall remain in the office of the city clerk, where they shall be open to inspection by any elector on payment of *one shilling*: Provided always, that the newly elected councillors as aforesaid shall not enter upon the duties of their office and shall not enjoy
 15 any of the rights and privileges, nor be liable to any of the duties and responsibilities of councillors as aforesaid until from and after the third Monday in January in each year.

Proviso: when the new councillors shall begin to act as such.

VIII. The financial year, as regards all accounts of the corporation of the said city shall commence on the first day of January and end on
 20 the thirty-first day of December in each year, both days inclusive; any law, custom or usage to the contrary notwithstanding: And all rates of assessment or taxes imposed and levied during the course of any one year shall be taken to be for the year commenced upon the first day of the month of January then next preceding, and ending on the
 25 thirty-first day of the ensuing month of December.

Financial year

Tax year.

IX. The forty-third section of the said Act shall be and is hereby repealed, and it is enacted that the treasurer of the said city, shall in books to be kept for that purpose enter true accounts of all sums of money by him received or paid as such treasurer; and the several
 30 matters for which such sums shall have been received or paid; and the books containing the said accounts shall at all reasonable times, be open to the inspection of the mayor or of any of the councillors of the said city; and all the accounts of the said treasurer, with all vouchers and papers relating thereto, shall be made up to and closed on the thirty-
 35 first day of December in each year; and shall on the first day of February then next ensuing, be submitted by such treasurer to the auditors elected for the said city, and such members of the said council, as the mayor of the said city shall name; and the said books of accounts, accounts, and all vouchers and papers relating thereto, shall from the
 40 first to the last day of February inclusively, in each and every year, be open to the inspection and examination of the said auditors and councillors to be named by the mayor for the purpose of the said books and accounts being examined and audited for the year preceding such annual examination; and if the said accounts shall be found to be
 45 correct, the auditors shall certify the same to be so; and after the said accounts shall have been so examined and audited in the month of February in every year, the treasurer shall make out in writing and cause to be printed a full abstract of his accounts for the year; and a copy thereof shall be open to the inspection of all the rate-payers of
 50 the said city, and copies thereof shall be delivered to all rate-payers of the said city applying for the same, on payment of a reasonable price for each copy.

Sect. 43 of 18 V., c. 159 repealed, and new provision made as to municipal accounts, their examination and audit, &c.

Abstract to be made and published; and be open to all rate-payers

Exclusive jurisdiction of the Recorder's Court in cases relative to assessment.

X. Notwithstanding any thing in the said Act, or in any other Act or law to the contrary, the Recorder's Court for the said City shall have exclusive jurisdiction in all cases of complaint against, or objection to, the assessment returns to be made in the said City, and it shall be the duty of the Treasurer of the said City, as soon as the Assessors thereof shall have deposited the assessment books for any Ward of the said City in any year, in his office, to cause a notice to that effect to be published in one French and in one English newspaper in the said City, and in every issue thereof for three weeks ; and all persons who may think themselves aggrieved, by any thing in the said assessment books contained, may at any time within three weeks from the day of the date of the first publication of such notice, prepare or cause to be prepared a complaint thereof in writing, addressed to the said Recorder's Court, which said complaint shall be sworn to, before any Councillor of the said City, or any other Justice of the Peace, who is hereby authorized and required to administer the same, and shall be filed in the office of the Clerk of the said Court, who shall, from time to time, give due and sufficient notice, by publication in one English and one French newspaper, in the said City, of the days and hours when the said Recorder's Court will proceed to hear and determine the merits of such complaints generally, or any class or number thereof respectively ; And any party aggrieved by any decision of the said Recorder's Court, with respect to such complaint, may appeal therefrom, by summary Petition, to any one of the Judges of the Superior Court for Lower Canada, sitting at Quebec, presented either in term or in vacation, within a delay of eight days from and after the rendering of such decision ; And thereupon it shall be lawful for such Judge to order that certified copies of the entry or entries in the assessment book complained of by the Petitioner, and of the decision of the said Recorder's Court on his complaint thereof, together with such complaint itself, be transmitted to him, and upon receipt thereof he shall, after having heard the Petitioner, either in person or by his Attorney, make such order in the premises as to law and justice may appertain ; Provided always, that any person who shall neglect to make such complaint as prescribed by this Act, shall be foreclosed from doing so, and shall be held liable and compelled to pay the amount for which he may be assessed according to the assessment books.

Appeal from the Recorder's decision.

Proviso :

Two sub-sections of sect. 51 of 18 V., s. 159 amended.

XI. The second sub-section of the fifty-first section of the said Act is hereby amended by adding thereto the following proviso : " Provided always that the rate or assessment to be assessed and levied, each and every year, on real or personal property, or both, within the said City ; or upon the owners or occupiers thereof in respect to such property, shall in no instance be less than five shillings currency ;" The twenty-second sub-section of the fifty-first section of the said Act, shall be amended by adding after the words " by any such By-law," in the first line of the said sub-section, the following words, " for all the objects aforesaid, and."

Sect. 55 repealed.

XII. The fifty-fifth section of the said Act shall be and is hereby repealed.

Power to council to impose penalties on assessors in certain cases.

XIII. It shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two-thirds of the said Council, to impose by by-law a penalty not exceeding one hundred pounds currency of the said Province, on any assessor or assessors, auditor or auditors of, in, or for the said city, or any ward thereof, refus-

ing or wilfully neglecting to attend to, perform, or fulfil the duty or duties which he or they the said assessor or assessors, auditor or auditors are or may be bound and required by law to attend to, perform and fulfil.

5 XIV. Whenever and in all cases where by any Act or Acts of the Legislature of the Province of Canada now in force or which may hereafter be in force, the corporation of the said City is or may be authorized to borrow any sum or sums of money, it shall and may be lawful for the said corporation to issue under the hand of the mayor and the
10 seal of the corporation, debentures or corporation bonds for the sum or sums of money to be borrowed as aforesaid, which said bonds shall bear interest at a rate not exceeding the rate which, at the date of the said debentures as aforesaid, shall be fixed as the legal rate of interest, by any law passed or hereafter to be passed by the Legislature of this Province
15 of Canada; any law, custom or usage to the contrary notwithstanding.

Whenever the corporation is authorized to borrow monies it may issue debentures therefor, &c.

XV. All persons intending either to build or to re-build any house, building, inclosure or wall fronting upon any of the streets or other public thoroughfare of the said city, or intending to demolish or to repair
20 any such, either in whole or in part, shall apply to the City Road Surveyor and shall inform him of the time when they are to begin such works and of the probable time of their being finished, and shall also obtain from the said surveyor permission in writing for that purpose, in which permission the extent of ground which may be occupied by the material and rubbish while such works are going on, shall be particularly
25 stated; which extent of ground shall not in any case exceed one-third of the width of the street or public thoroughfare in which the said materials or rubbish shall be deposited; and every person obtaining such permission shall enclose the ground mentioned in the same with a board fence at least ten feet in height before depositing any materials or rubbish thereon; and for each and every day he shall occupy the same he shall
30 pay to the Road Treasurer of the said city a sum of fifty cents; and every person who shall refuse or neglect to obtain such permission in writing from the said surveyor, or to confine his operations within the limits fixed by such permission, or to enclose the space of ground stated
35 in the same, shall for every such refusal or neglect incur a penalty of forty shillings currency.

Persons building or repairing houses to obtain permission from city surveyor before occupying any part of the street.

XVI. Whereas many cases arise of inquiries into facts before the said Council as well as before Committees thereof, when the interests of Justice would be promoted, if the witnesses brought forward could be
40 examined on oath, and power were given to the said Council and Committees to compel the attendance of witnesses before them; it is therefore enacted, that upon any inquiry or investigation being entered into before the said Council, it shall be lawful for the Mayor of the said city or other person representing him to issue his summons
45 requiring any person to appear before the said Council, for the purpose of giving evidence touching the said inquiry: or in the event of the said Council ordering the said inquiry or investigation to be made before a Committee or Committees of the said Council, it shall be lawful for the said Mayor, or the Chairman of the said Committee or Committees,
50 to issue his or their summons requiring any person to appear before the said Committee or Committees, for the purpose of giving evidence touching the inquiry or investigation; And if any person so summoned shall neglect or refuse to appear at the time and place ap-

City council and its committees empowered to examine witnesses on oath in certain cases of inquiry.

Penalty on witnesses re-

fusing or neglecting to attend, &c.

pointed by such summons, and no reasonable excuse for his absence shall be proved before the said Council or Committee or Committees, or if any person appearing in obedience to such summons shall refuse to be examined on oath touching the said inquiry or investigation, it shall be lawful for the said Mayor or Chairman as aforesaid to enforce the attendance of all such persons, and to compel such persons to answer all lawful questions, by like means as are used for such purposes in the ordinary Courts of Civil Jurisdiction in Lower Canada; and every person so neglecting or refusing to appear, or refusing to be examined on oath as aforesaid, shall moreover, on conviction thereof before the Recorder's Court of the said City of Quebec, forfeit and pay such sum of money, not exceeding five pounds, and be liable to such imprisonment, not exceeding thirty days, as to the said Recorder's Court shall seem meet; and any person who shall wilfully and corruptly give false evidence upon any such inquiry or investigation, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence.

False swearing to be perjury.

Sect. 72 of 18 V., c. 159 repealed and a new section substituted.

XVII. The seventy-second clause of the said Act shall be and is hereby repealed, and the following shall be substituted in its place: "All debts which from and after the passing of this Act shall become due to the said Corporation, for any rate or assessment assessed or imposed on any real or personal property, or both, within the City of Quebec, or upon the owners or occupiers thereof, in respect of such property, or for duty on business, or for any other rate, tax, or impost levied under and by virtue of any by-law of the Council of the said City, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty; and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered, and adjudged by all Courts of Justice, and by all Commissioners or other persons having jurisdiction in bankruptcy or insolvency in Lower Canada: Provided always, that the privilege hereby granted shall not extend beyond the rates or assessments due for five years, that is to say, for the current year when such claim may be made, and for the five next preceding that year: And provided also, that the said privilege shall not require registration to preserve it,—any Act, ordinance, or law to the contrary notwithstanding.

Privileged claim of the corporation for monies due for assessments.

Proviso.

Proviso.

Act 9 V., c. 113 cited.

XVIII. And whereas the Corporation of the Mayor, Councillors, and Citizens of the said City of Quebec, have, by their petition, represented that further provisions are necessary to enable them properly to carry into effect the Act passed by the Legislative Council and Legislative Assembly in the ninth, and assented to by Her Majesty in the tenth year of her reign, and intitled *An Act for supplying the City of Quebec, and parts adjacent thereto, with water*, and the Acts amending the same, and have prayed that such provisions be made: Therefore it is enacted, that the minimum water-rate to be paid by any person or party liable in the said City of Quebec to water-tax, shall be four dollars per annum, anything in the said Acts to the contrary notwithstanding.

Minimum water rate altered.

Inconsistent provisions repealed.

XIX. All provisions of any law inconsistent with the provisions of this Act, shall be, and the same are hereby repealed.

Public Act.

XX. This Act shall be deemed a public Act.