

PROPRIÉTÉ DE
L'ASSEMBLÉE LÉGISLATIVE
QUÉBEC

1915

City of Outremont

Chap. 93

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and public notice of such deposit shall be given within the two days following.

The roll shall remain open to public examination for Notice.
ten days, counting from the date of the publication of the said notice."

16. Section 332 and section 333, of the act 56 Victoria, Id., ss. 332 & chapter 52, as replaced by the act 4 Edward VII, chapter 333, replaced. 56, section 11, are again replaced by the following:

" **332.** During such interval of ten days any person Complaints who has to complain of such roll for himself or for other against roll. interested parties, may appeal to three competent persons called "revisors," appointed by the council, who, for such purpose, shall constitute a board of revisors for such roll."

" **333.** Immediately after the expiration of the delay Hearing of of ten days allowed for inspection of the roll, the board of complaints. revisors shall take cognizance of all complaints that may have been filed in the hands of the city clerk with reference to any entry in or omission from the valuation roll, and shall generally revise the roll; they shall proceed with such revision from day to day, hear the parties and their witnesses, adjudicate upon the complaints, and homologate the valuation roll as revised, and deposit it in the office of the city clerk, the whole within a delay not exceeding eight days; the roll then comes into and shall remain in force until a new roll is made and put into force.

The revisors may also, when the said roll is revised, increase the valuation made of any property by the assessors, by giving a previous notice in writing of at least one clear day to the interested parties."

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

C H A P . 9 3

An Act to amend and consolidate the charter of the town of Outremont, and to incorporate it into a city.

[Assented to 5th March, 1915]

WHEREAS the corporation of the town of Outremont Preamble.
has, by petition, represented that it is expedient to amend and consolidate the several acts constituting its charter, and substitute as a basis for it the Cities and Towns' Act, in lieu of the Town Corporations' General Clauses Act, and to grant it additional powers, and incor-

porate it as a city; and has prayed that an act be passed to that effect;

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

DECLARATORY

Short title. **1.** This act may be cited as the charter of the city of Outremont.

Provisions applicable. **2.** The city of Outremont shall be governed by the provisions of the Cities and Towns' Act, except in so far as they may be inconsistent with the provisions of this act.

Succession to rights and obligations. **3.** The corporation shall succeed to all the rights and obligations of the corporation of the town of Outremont.

By-laws &c., to continue to have effect. **4.** All procès-verbaux, assessment rolls, titles, accounts, dues, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, undertakings and all municipal acts whatsoever, passed and agreed to by the council of the said town, shall continue to have their full effect, until they are cancelled, amended, resiliated or accomplished.

Also notes, obligations, &c. **5.** All notes, bonds, debentures or obligations, and all securities and engagements whatsoever, subscribed, accepted, endorsed, issued or contracted by the said council, up to the coming into force of this act, shall continue to have their legal effect notwithstanding the passing of this act.

City of Outremont incorporated. **6.** The inhabitants and ratepayers of the town of Outremont, within the limits hereinafter described and set forth, are hereby incorporated into a city corporation, under the name of the City of Outremont.

BOUNDARIES

Territory. **7.** The territory of the city of Outremont shall be comprised within the present limits of the town of Outremont.

DIVISION OF THE MUNICIPALITY INTO WARDS

Division into wards. **8.** The municipality shall be divided into three wards known as: North, South and West wards. The said wards shall retain their present respective boundaries until they

are modified in conformity with the provisions of this charter.

COUNCIL

9. The council of the city as hereby constituted is sub-City council. stituted for the council of the town of Outremont, and succeeds to it in all its rights, powers and obligations.

10. The present mayor, councillors, officers and muni-Mayor, &c., cipal employees of the said town shall remain in office to remain in until replaced or dismissed. office.

11. Article 5300 of the Revised Statutes, 1909, is R.S. 5300, replaced for the city by the following: replaced for the city.

"5300. The municipal council of the city shall consist Composition of nine aldermen, one of whom shall be chosen and act of council. as mayor."

12. Article 5301 of the Revised Statutes, 1909, is re- R. S. 5301, placed, for the city, by the following: replaced for the city.

"5301. The mayor shall be chosen from amongst the Term of aldermen, and elected by them at the first general or office of special meeting of the council held after the annual general mayor. elections of the said council, or after any vacancy occurring in the said office of mayor."

13. Article 5302 of the Revised Statutes, 1909, is re- R. S. 5302, placed for the city by the following: replaced for the city.

"5302. Each ward shall be represented by three Term of aldermen duly elected. Their term of office shall be office of three years. One for each ward shall retire yearly and aldermen. and be replaced at the annual election. The order of retirement and replacement of the aldermen presently existing shall be maintained."

14. Article 5303 of the Revised Statutes, 1909, is re- R. S. 5303, placed, for the city, by the following: replaced for the city.

"5303. The mayor's term of office shall expire after Expiration the new mayor is sworn in, and that of each outgoing office of alderman shall expire at the opening of the first general or mayor and special meeting of the council held after the general elec- aldermen. tions."

15. Article 5309 of the Revised Statutes, 1909, is R. S. 5309, replaced for the city, by the following: replaced for the city.

Vacancy in office of mayor, how filled.

"5309. If the office of mayor becomes vacant, the clerk of the municipality, within eight days after such vacancy, shall call a meeting of the council for the purpose of electing one of the members of the council to discharge the functions of mayor during the remainder of his term of office; and the council at such meeting shall elect such mayor.

If alderman accepts office of mayor.

The acceptance of the office of mayor by a member of the council, when the mayor is elected under section 32 of this charter, shall have the effect of rendering such alderman's seat vacant, and a new election shall be held to fill such vacancy".

R. S. 5310, replaced for the city.

16. Article 5310 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Appointment of acting-mayor and his powers.

"5310. The council shall every year elect one of its members as acting-mayor, to have and exercise all the powers vested by law in the mayor, whenever the mayor may be absent from the municipality or be unable to discharge the duties of his office."

OFFICERS OF THE COUNCIL

R. S. 5338, replaced for the city.

17. Article 5338 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Archives of which clerk has custody.

"5338. The clerk shall be the custodian of all the books, registers, documents, and archives which are either the property of the corporation, or are produced, filed and preserved in his office; except the municipal plans, maps, books, and registers or other documents and papers which are prepared or kept by the city engineer, or are required by the latter in the discharge of the duties of his office.

The clerk cannot divest himself of the custody of any such things, except with the permission of the council, or upon an order of a competent court."

Garnishee declaration may be made by clerk.

18. In any case where the city is garnishee, the clerk may make the declaration required by law on behalf of the city, without being thereto authorized by resolution of the council.

One detailed statement sufficient for a ratepayer.

19. When the clerk shall have furnished a rate-payer, in arrears, with a detailed statement of his account, he shall not be bound to repeat the same details in the accounts which he may subsequently furnish, but he shall mention in a lump sum the amount, of which he shall have previously given the details to such rate-payer.

Proviso.

However, upon payment of a fee of fifty cents, which shall

revert to the municipal treasury, the clerk shall be bound to make up and furnish such additional detailed account.

CITY ENGINEER

20. The town shall have an officer to superintend the construction and maintenance of sewers, roads and side-walks, parks and buildings and municipal works generally, and make plans and maps showing the same, styled "city engineer", whose office shall be in the building where the sessions of the council are held, or in any other place fixed by resolution of the council. City Engineer.

21. He may also exercise, with the approval of the council, the functions of building and plumbing inspector, and shall exercise the powers which the council may delegate to him, by by-law or resolution, respecting buildings and plumbing. Other duties.

22. He shall have the custody of all municipal plans, maps, books and registers, and other documents and papers prepared or kept by him, or required in the discharge of the duties of his office, and shall have the right of signing all plans, maps, documents and papers prepared by him; and all copies and extracts of plans, maps, books, registers and other documents and papers certified by him shall be evidence of their contents. Documents of which he has the custody.

LIST OF ELECTORS

23. Article 5373 of the Revised Statutes, 1909, is replaced, for the city, by the following: R. S. 5373, replaced for the city.

"**5373.** The council may enact by by-law that no person qualified to vote as a proprietor, tenant or occupant shall be entitled to have his name entered on the electors' list for any of the wards of the municipality, or to vote or exercise any of his rights and privileges as a municipal elector, who is indebted to the municipality for any taxes, general or special, or any licenses or other dues, at the period of his exercising such right as elector, or at a period fixed by such by-law, and being not sooner than the 15th of December."

ELECTIONS

24. Article 5413 of the Revised Statutes, 1909, is replaced, for the city, by the following: R. S. 5413, replaced for the city.

"**5413.** The elections for the purpose of replacing When gen-

eral elections are held. aldermen who go out of office shall be held each year; the nomination shall take place from nine to ten o'clock in the forenoon on the second Monday of January, and the voting, if necessary, from eight o'clock in the forenoon to seven o'clock in the afternoon on the third Monday of the same month. If either of such days be non-juridical, the nomination or voting, as the case may be, shall be postponed to the following juridical day."

R. S. 5415,
replaced for
for the city.
Appoint-
ment of
election clerk.

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

"**5415.** Ten days at least before the nomination day as fixed in section 24 of this charter, 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."

R. S. 5419,
replaced for
for the city.
Notice of
election by
returning-
officer.

26. Article 5419 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"**5419.** Eight days at least before the nomination day as fixed by section 24 of this charter, 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."

R. S. 5421,
not to apply.

27. Article 5421 of the Revised Statutes, 1909, shall not apply to the city.

Provisions
applicable.

28. Articles 5422, 5423, 5424, 5426 to 5449, and 5451 to 5508, all inclusive, of the Revised Statutes, 1909, with the forms relating thereto, shall apply to the city, but only in so far as concerns the election of aldermen, and also with such modifications, *mutatis mutandis*, as may be required to make them agree with the dates and hours governing the nomination and voting in the city; the aforesaid articles shall, however, apply to the election of the mayor in the event of his being elected in accordance with section 32 of this act.

Proviso.

R. S. 5425,
replaced for
the city.
Deposit to

29. Article 5425 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"**5425.** The sum of two hundred dollars, in legal

tender or in the bills of any chartered bank doing business in Canada, or a cheque for such sum drawn upon and accepted by any such bank, shall be deposited in the hands of the returning-officer at the time the nomination paper is filed with him. accompany nomination-paper.

The receipt of the returning-officer shall, in every case, be sufficient evidence of the production of the nomination-paper, of the consent of the candidate, and of the deposit hereinabove mentioned. Evidence.

The sum so deposited by any candidate shall be returned to him in the event of his being elected, or of his obtaining a number of votes at least equal to one-half of the number of votes polled in favour of the candidate elected; otherwise, except in the case provided for in article 5433, it shall belong to the municipality, and the sums so paid and not returned as above provided, shall be applied by the returning-officer towards the payment of the election expenses." How deposit to be dealt with.

30. Article 5450 of the Revised Statutes, 1909, is replaced, for the city, by the following: R. S. 5450, replaced for the city.

"5450. The poll shall be opened at the hour of eight of the clock in the forenoon, and kept open until the hour of seven of the clock in the afternoon of the same day, and each deputy-returning-officer shall, during that time, in the polling-station assigned to him, receive in the manner hereinafter prescribed the votes of the electors duly qualified to vote at such polling-station." Hours for polling.

31. Articles 5553, 5554 and 5555 of the Revised Statutes, 1909, shall not apply to the city. Provisions not to apply.

32. Notwithstanding any provisions of this act to the contrary, the council may, by by-law adopted by a vote of two-thirds of its members, enact that the mayor shall be elected by the majority of the municipal electors of the city. Council may enact that mayor be elected by electors the city.

In such case, at the first general election following the adoption of such by-law, the mayor shall be elected by the majority of the municipal electors of the city, and the provisions of the Cities and Towns' Act governing the election of the mayor by the municipal electors, as amended by sections 24, 25, 26, 29 and 30 of this act, shall apply to such election. If the aforesaid by-law comes into force after the period fixed by section 26 of this act for the publication of the election notices, then such by-law shall not be carried out until the general elections in the following year. First election for mayor in such case.

Composition
of council.

From and after the proclamation of the election of the mayor effected under this section, the council shall consist of the mayor and of nine aldermen, and the term of office of the mayor shall be three years like that of the aldermen.

SESSIONS OF THE COUNCIL

R. S. 5557,
replaced for
the city.

33. Article 5557 of the Revised Statutes, 1909, is replaced, for the city, by the following:

When meet-
ings of coun-
cil are held.

"5557. The council shall meet at least once a month, in general or ordinary session, to despatch the business of the city, and shall hold its sessions on the days and at the hours which it determines by by-law."

R. S. 5559,
replaced for
the city.

34. Article 5559 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Quorum.

"5559. The majority of the members of the council, including the mayor, shall constitute a quorum for the transaction of business, except when otherwise specially provided."

MUNICIPAL NOTICES

R. S. 5582,
replaced for
the city.

35. Article 5582 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Publication
of notices.

"5582. The publication of a public notice for municipal purposes is made by posting up a copy of such notice at two different places in the municipality, fixed, from time to time, by resolution of the council; except, however, for the notices required for the publication of by-laws on loans, bonuses or exemption from taxation, and also for the notices required for the homologation of valuation and collection rolls or the lists of electors, and for all such other notices as the council may deem proper, which shall in addition be given by two or more insertions in one French and one English daily newspaper published in the city of Montreal."

R. S. 5583,
not to apply.

36. Article 5583 of the Revised Statutes, 1909, shall not apply to the city.

APPROVAL OF BY-LAWS BY OWNERS OF IMMOVEABLE PROPERTY

R. S. 5613,
replaced for
the city.

37. Article 5613 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Who may
demand poll.

"5613. Six electors, who are owners of immoveable property and qualified to form part of such meeting, may

require that a poll be held to ascertain whether the by-law is approved or not.

Upon such requisition the mayor or other person presiding shall, within the following eight days, fix one day for the poll.” Duty of presiding officer thereupon.

38. Article 5615 of the Revised Statutes, 1909, is replaced, for the city, by the following: R. S. 5615, replaced for the city.

“**5615.** The poll shall be held on one juridical day from ten o’clock in the forenoon to five o’clock in the afternoon.” Open for one day between certain hours.

CONTESTATION AND QUASHING OF BY-LAWS

39. Article 5634 of the Revised Statutes, 1909, is replaced, for the city, by the following: R. S. 5634, replaced for the city.

“**5634.** The right to demand the quashing of a by-law, valuation or collection roll, resolution or other act of the council is prescribed by thirty days from the date of the adoption of such by-law, or the homologation of such roll, or the adoption of such resolution, or the performance of such act of the council.” Prescription of suit to annul.

CONSTRUCTION AND INSPECTION OF BUILDINGS

40. Paragraphs 1 and 2 of article 5638 of the Revised Statutes, 1909, are replaced, for the city, by the following: R. S. 5638, pars. 1 & 2, replaced for the city.

“1. To restrict to certain portions of the city the erection, maintenance and operation of manufactories, work-shops, warehouses, car-barns, power houses, coal and wood yards, livery stables, public garages, ice houses, stores, shops, offices or other buildings intended or used for industrial or commercial purposes; prohibit the erection and maintenance in certain streets of rows of houses, tenements, apartment-houses, flats or lodgings intended or used for the independent habitation or two or more families; prescribe, in certain streets, the architecture, symmetry, or kind of buildings to be erected, whether detached, semi-detached, solid stone, solid brick, brick-veneered buildings or other; determine the height and width of all structures, and the dimensions of chimneys, walls, windows, rooms, cellars, basements, beams, girders, piers, columns, roofs, chimney flues, plumbing, heating apparatus or other parts thereof; prescribe the kind of materials to be used in such structures or any part thereof, and the method and manner of using the same; fix the location and mode of construction of fire escapes, sewer pipes and gutters; and generally regulate all Chimneys, &c.

construction, re-construction, repair and modification of all structures, and everything pertaining thereto; and prevent the building, suspend the erection, and provide for the summary vacation, isolation, abatement, demolition, removal, repair or modification, at the expense of the proprietor, of all buildings or portions thereof in contravention of the by-laws of the city;

Kind of
buildings on
certain
streets.

"2. To regulate the kind of buildings that may be erected in certain districts, streets or portions thereof, and prescribe that they shall be private dwellings, detached or semi-detached."

Id., par. 4,
replaced for
the city.

Inspection
of buildings,
&c.

41. Paragraph 4 of article 5638 of the Revised Statutes, 1909, is replaced, for the city, by the following paragraphs;

"4. To regulate the inspection of the construction, demolition, modification and repair of all structures within the city, appoint a building-inspector or other officer with authority to examine the interior and exterior of said structures, and all other powers required to ensure the observance of the city by-laws concerning buildings and other works, and for the prevention of accidents by fire; compel the proprietor and builder of all structures to submit the plans and specifications of the construction, re-construction, repair or modification thereof, and previously pay for and obtain a written certificate from said building-inspector or other officer, and provide for the lapse and revocation of any certificate after twelve months from its issue, if the building or buildings thereby authorized have not been *bona fide* begun within the delay;

Time limit
for con-
struction.

"4a. To order that every building in the city shall be completed within a fixed time, counting from the issue of the building permit therefor;

Stables, &c.

"4b. To prevent stables, sheds, closets or similar buildings from being erected on any lot in the city at a distance less than thirty feet from the street; in case of corner lots, to order that the stables be erected at the rear of said lots and with opening only into the yards;

Removal of
stables, &c.

"4c. To cause to be removed all stables, sheds, closets or similar buildings erected in contravention of the enactments of the preceding paragraph, and to determine the time and manner in which the same shall be demolished or removed, and by whom the expense thereof shall be borne."

FENCES

Id., par. 8, re-
placed for
the city.
Fences, &c.

42. Paragraph 8 of article 5638 of the Revised Statutes, 1909, is replaced, for the city, by the following paragraphs:

"8. To regulate within the city the building and

maintenance of fences, including the method of construction and the strength and quality of the materials to be used for fences; prohibit their erection and maintenance on that portion of any property facing the whole or any part of a street or public square;

"8a. To provide that, in case the council has ordered a fence to be made upon or removed from any property, and its proprietor cannot be found and has appointed no one as his agent, or if the proprietor, occupant or other person in charge thereof refuses or neglects to obey such order of the council, after having been duly notified thereof, or be unable, through lack of means, to do so, it shall be lawful for the council to have the said order carried out, and to provide that the amount expended thereon shall be a special charge upon such lot, and be collected in the same manner as a special tax thereon."

Council may have work done at cost proprietor.

POLICE AND SPECIAL CONSTABLES

43. Subsection "c" of paragraph 16 of article 5638 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Id., par. 16, amended for the city.

"c. Except when otherwise provided, any policeman or constable may arrest on sight, and without warrant, any person infringing a by-law of the council, disturbing the public peace, or lying, wandering or loitering by day or night in any lot, field, yard or other place, lodging or sleeping in any barn, shed or other unoccupied building, or in any tent, cart or other vehicle, and not giving a satisfactory account of himself; and also any person shouting, swearing or making a noise in any public street or road, or in any other place within the limits of the city."

May arrest on sight.

FIRE AND FIRE BRIGADE

44. Article 5638 of the Revised Statutes, 1909, is further amended for the city:

Id., am. for the city.

a. By inserting therein, after paragraph 30 thereof, a new paragraph, as follows:

"30a. To prescribe that factories, work-shops, buildings in course of construction, and other premises, shall be, as far as practicable, kept free from any accumulation of shavings or other light combustible materials;"

Shavings, &c.

b. By adding thereto, at the end thereof, a new paragraph, as follows:

"The adoption, repeal or modification of any by-law founded on paragraphs 1, 2, 4, 4b, 4c, 16, 17, 24, 25, 26 or 36

Certain by-laws require

a two-thirds
vote.

of this article, shall require at least a two-thirds vote of the whole council. Any such by-law may enact that the resolutions which shall originate from any such by-law shall likewise be adopted, repealed or modified only by a vote of at least two-thirds of the whole council."

PUBLIC HEALTH AND HYGIENE

R. S. 5639,
par. 2a,
enacted.

45. Article 5639 of the Revised Statutes, 1909, is amended, for the city, by inserting therein, after paragraph 2 thereof, a new paragraph as follows:

Hospitals,
&c.

"2a. To prohibit the erection and establishment of all hospitals for contagious diseases, sanatoriums, homes or refuges, in the city, without the consent of the council."

Id., par. 6,
replaced for
the city.
Ice-houses,
&c.

46. Paragraph 6 of article 5639 of the Revised Statutes, 1909, is replaced, for the city, by the following paragraphs:

"6. To determine the places where ice intended to be sold to or used by the public may be taken; to inspect and regulate ice houses, and license persons selling ice within the city;

Incinerat-
ing esta-
blishment.

"6a. To construct, maintain and carry on an incinerating establishment for the destruction of household or other refuse;

Rags, waste,
&c.

"6b. To license, control and regulate the collection and storage of rags and other waste material;"

Id., pars., 14,
15, 16 and 17,
replaced for
the city.
Stock-yards,
&c.

47. Paragraphs 14, 15, 16 and 17 of article 5639 of the Revised Statutes, 1909, are replaced, for the city, by the following:

"14. To prohibit, or restrict to certain portions of the city, and regulate slaughtering, and also the erection, use of or working in the city of stock yards, storing places for hides, packing houses, soap and candle factories, and other factories of a like nature wherein the rendering of tallow is carried on, lime kilns, wood-drying kilns, smoke houses, quarries, bone-boiling or bone-burning establishments, or oil cake factories, india-rubber or oilcloth factories, dyeing establishments, slaughter houses, butcheries, sausage factories, tanneries, breweries, distilleries, livery stables, blacksmith shops, foundries, gas works, blue, glue or varnish factories, petroleum or coal oil refineries or warehouses, roofing composition factories, fireworks factories, friction match factories, chemical works, alcohol rectifying establishments, buildings for the manufacture and storage of explosives, dry pitch, resin, coal oil, benzine, naphtha, gasoline, turpentine, or any by-products thereof, or any other highly combustible materials, and all other

factories, workshops and establishments of any kind whatsoever, the working or use of which might endanger the public health or safety, or which might in any manner cause a nuisance or depreciate the value of property in the vicinity;

" 15. To order that the carting of all matters which are dangerous or injurious to public health or safety, be done at certain hours of the night, and through certain streets of the city;"

48. Paragraph 21 of article 5639 of the Revised Statutes, 1909, is replaced, for the city, by the following:

" 21. To regulate the sewerage of the city; to order the construction of any public sewers or drains, and of any connection between such public sewers or drains and private drains; regulate the method and materials of their construction, and assess the cost thereof, including the expense of all repairs to streets, sidewalks, etcetera, and all other expenses incidental to such works, upon the proprietors owning immovable property on any street, private street, lane, public place or portion thereof in which such improvements are made, or on the proprietors within a certain area who benefit thereby, or otherwise, as the council may direct; and regulate the mode of making and levying such assessment either according to the frontage of each property served or benefited, or otherwise;

" 21a. The city may make special agreements with the city of Montreal or with any municipality or municipalities, to secure for a determinate period an outlet for the sewerage and drainage of the city; the compensation therefor to be determined either by amicable arrangement or by arbitration; but in the event of such outlet being refused, the city shall have the right to build a main sewer to conduct the sewerage and drainage to the nearest and most convenient point on the St. Lawrence river or elsewhere, through any municipality or municipalities, except the city of Montreal, by paying therefor such reasonable compensation as may be awarded by arbitration;"

49. Article 5639 of the Revised Statutes, 1909, is further amended, for the city, by adding thereto, at the end thereof, a new paragraph, as follows:

"The adoption, repeal or amendment of any by-law founded on paragraphs 2a, 14, 21, 23, 24, 26 or 27 of this article shall require at least a two-thirds vote of the whole council. Any such by-law may enact that the resolution which shall originate from any such by-law shall likewise

Carting of
garbage, &c.

Id., par. 21,
replaced for
the city.

Sewerage,
&c.

Contracts
with other
municipali-
ties.

Id., further
am. for the
city.

Certain by-
laws require
a two-thirds
vote.

be adopted, repealed or amended only by a vote of at least two-thirds of the whole council."

DECENCY AND GOOD MORALS

R. S. 5640,
par 3a,
enacted for
the city.

Games of
skill, &c.

50. Article 5640 of the Revised Statutes, 1909, is amended, for the city, by inserting therein, after paragraph 3 thereof, a new paragraph, as follows :

"3a. To suppress games of skill or of hazard, or authorize games of skill by means of permits; restrict, regulate or prohibit the keeping of public billiard rooms, pigeonhole-table rooms, or other similar establishments;"

Id., par. 6,
replaced for
the city.

Advertise-
ments, signs,
&c.

51. Paragraph 6 of article 5640 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"6. To prohibit, restrict to certain portions of the city, and regulate, the posting, painting, erection or other display or maintenance of advertisements of any description on the fences, buildings or otherwise, except those made by a trader at his place of business and for the purposes of his business, and those made for leasing and selling real estate, provided the latter are designed, made, secured and maintained in the manner provided by the council;"

Id., par. 12,
replaced for
the city.

Begging, &c.

52. Paragraph 12 of article 5640 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"12. To regulate or prevent begging, and prohibit the exhibition of sores and infirmities in the streets and public places of the city;"

Id., par. 13,
enacted for
the city.

Moving pic-
tures.

53. Article 5640 of the Revised Statutes, 1909, is further amended for the city by inserting therein, after paragraph 12 thereof, a new paragraph, as follows:

"13. To prohibit, restrict to certain portions of the city, license and regulate exhibitions of moving pictures, subject to the provisions of article 1105 of the Revised Statutes, 1909;"

STREETS AND PUBLIC SQUARES

R. S. 5641,
par. 1, 2, 3,
and 4, repla-
ced for the
city.

Streets,
their open-
ing, &c.

54. Paragraphs 1, 2, 3 and 4 of article 5641 of the Revised Statutes, 1909, are replaced for the city by the following:

"1. Subject to article 5887, to order the opening, widening, extension, alteration, making, paving, macadamizing, planking, fencing or improving and maintaining of any streets, public places, parks and playgrounds, or sections thereof, in the municipality, or the construction, repair

and maintenance therein of permanent or temporary sidewalks, the whole at the expense of the city or of the proprietors; and in the latter case to assess the cost of such improvements, including all the expenses incidental thereto, upon the proprietors owning immoveable property on any such street, public place or square or portion thereof, or on proprietors owning immoveable property within a certain area, or benefited by such improvements, or otherwise, as the council may direct, and to regulate the mode of making and levying such assessment, either according to frontage of each property served or benefited, or otherwise;

"2. When a proprietor cedes gratuitously to the city any land for a street traversing his property, to exempt, in whole or in part, the remainder of the property fronting on the new street, from the apportionment necessitated by the opening of such street; Exemption from assessment in certain case.

"3. To close any street or section of a street or public square, and sell the land for the benefit of the city, provided always that if any person suffers damages thereby he shall receive compensation, to be settled by arbitration; Closing of streets, &c.

"4. To prevent any one owning or possessing real estate within the city from opening, closing or modifying any street in or over such real estate, without having previously obtained the authorization of the council;" Streets on private property.

55. Paragraph 5 of article 5641 of the Revised Statutes, 1909, is replaced, for the city, by the following: Id., par. 5, replaced for the city.

"5. To determine and change the alignment or height of the level of the streets or public places, and deliver upon demand to each proprietor who shall pay the cost thereof, a certificate of such level, provided always that if any person suffers damages thereby, he shall receive compensation, to be fixed by arbitration;" Levels or alignment of streets, &c.

56. Paragraph 8 of article 5641 of the Revised Statutes, 1909, is replaced, for the city, by the following: Id. par. 8, replaced for the city.

"8. To compel all proprietors to submit, for the previous approval of the council, all plans altering the cadastral subdivision of their respective properties in the city, before depositing such plans in the department of Colonization, Mines and Fisheries;"

57. Paragraph 13 of article 5641 of the Revised Statutes, 1909, is replaced, for the city, by the following: Id., par., 13, replaced for the city.

"13. To regulate the making and maintaining of openings and excavations in streets, lanes, alleys, public grounds, and squares, for the laying of gas and water mains, Excavations in streets, &c.

and pipes, electric conductors, subways and conduits, and for other purposes, and to regulate the building and maintaining of sewers, tunnels and drains and the construction, equipment and use of all structures and conduits of every kind underneath the streets, lanes, alleys, sidewalks, public grounds and squares of the municipality; to order the execution of any of the said improvements, and charge the cost thereof, including all expenses incidental thereto, to the city, or assess the same on proprietors owning immoveable property fronting on said improvements, or served or benefited thereby, or otherwise, as the council may direct, and fix the mode of making and levying such assessments; and to regulate, and, if it deem necessary, to prohibit, the construction and maintaining of coal-holes, man-holes, hatchways and other openings in sidewalks, streets and alleys, and to order coverings and guards therefor; to compel all persons or companies who have, or may hereafter have the right to make any excavations in the streets of the municipality, to deposit in the hands of the treasurer an amount sufficient to guarantee that such streets shall be restored to their former state, or to permit the municipality to make such excavations at the expense of such persons or companies, and to deduct from their said deposit the amount expended for such works and the restoration of the streets, or to prevent such excavations, and fill up the same whenever they are made contrary to the by-laws; to prevent any person or company from tearing up any pavement, sidewalk or crosswalk, drain or sewer, or from making any hole, ditch or drain in any street, pavement or sidewalk, without previously sending a written notice to the clerk of the municipality, with a plan showing the exact location and dimensions of the proposed opening, and obtaining the permission of said clerk, if not previously authorized, and, in any case, without obtaining his approval of the place where, and the manner in which, the proposed opening is to be made; to prohibit the deposit, upon any permanently paved street, of any building materials, tar, lime, stone, brick or other articles whatever of a nature to deteriorate the paving, or to regulate the permission to be granted to make use of such streets for the aforesaid purposes, and to exact a sufficient deposit to replace the paving in good order;".

Id., par. 13a,
enacted for
the city.

58. Article 5641 of the Revised Statutes, 1909, is further amended, for the city, by inserting therein, after paragraph 13 thereof, a new paragraph, as follows:

Agreements
with public

"13a. Whenever a sewer, water main, or other permanent improvement, is made in any street or part of a street,

to enter into agreement with, or make loans to, public utilities corporations for the purpose of obtaining the immediate construction of all private connections in such street or part of street;".

59. Paragraph 14 of article 5641 of the Revised Statutes, 1909, is replaced, for the city, by the following: Id., par. 14, replaced for the city.

"14. To order the construction of private connections for drains, water, gas, telephone and electric conduits, or any other public service that may be installed hereafter, from the main sewer, gas, water, telephone or electric mains to the street line of any property, and charge the cost thereof to the properties for whose benefit said connections, drains or conduits are laid. Such costs may be levied in one or more payments as a local improvement tax, over a term not exceeding forty years, or otherwise, as may be prescribed by the council ;". Private connections for drains, &c.

60. Paragraph 15 of article 5641 of the Revised Statutes, 1909, is replaced, for the city, by the following: Id., par. 15, replaced for the city.

"15. To regulate or prevent the use of streets, alleys, sidewalks and public grounds for signs, sign posts, awnings, awning posts, horse-troughs, racks, telegraph, telephone and electric poles and other obstructions, and to order that such said poles be painted ;". Signs, &c., on streets, &c.

61. Article 5641 of the Revised Statutes, 1909, is further amended by inserting therein, after paragraph 16 thereof, the following paragraphs: Id., pars. 16a, 16b and 16c, enacted for the city.

"16a. To order the construction, maintenance and operation throughout its territory, or a portion thereof, of a system of underground conduits for telegraph, telephone, electric light wires or cables, and for other purposes, and to lease the said conduits in whole or in part, or sell or otherwise dispose of the same; provided that any by-laws for any of such purposes must be approved by the majority in number and in value of the electors who are proprietors, and who have voted on such by-law; Underground conduits.

"16b. To enter in and upon any private property, including lanes, courts, yards and buildings, for the purpose of placing overhead or underground wires with their appurtenances, without the consent of the proprietors thereof; but compensation, when not mutually agreed upon, shall be awarded by arbitration for all real damages caused by the work done, or in consequence of such objections; Entering on private property. Compensation.

"16c. To order the erection and equipment of any overhead transmission lines, and charge the cost thereof, Overhead transmission lines.

Assessing
cost thereof. including all expenses incidental thereto, to the city, or assess the same on proprietors owning immoveable property fronting on said improvements, or served or benefited thereby, or otherwise, as the council may direct; and fix the mode of making and levying such assessment;”.

Id., par., 19, replaced for the city. **62.** Paragraph 19 of article 5641 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Cleaning of
streets, &c. “19. To order that the streets, lanes, public places or squares, or any portion thereof, be swept, cleaned, watered and treated with any dust-layer or other preparation ;”.

Id., par. 32, replaced for the city. **63.** Paragraph 32 of article 5641 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Planting
ornamental
trees, &c. “32. To order and regulate planting, rearing, preserving and replacing of ornamental trees, shrubs, flowers and lawns, in any street, lane, public place or square, or any portion thereof, and to levy the cost of such improvements, including all expenses incidental thereto, on the properties fronting on said improvements, or benefited thereby, or otherwise, as the council may direct; and to fix the mode of making and levying such assessment;

Mainten-
ance, &c.,
of strip of
land. “33. To order that the maintenance, upkeeping and beautifying of the strip of land comprised between the building line and the road-bed, in any street, lane, public square, or portion thereof, shall devolve upon and be reserved to the city;

Throwing
dangerous
substances
in streets. “34. To prevent the laying or throwing in the streets or public places, or upon sidewalks, of substances injurious or dangerous to persons, horses, vehicles or bicycles ;

Description
of streets, &c. “35. To cause such of the streets, avenues, and highways in the city or any part thereof, which shall not have been heretofore recorded or sufficiently described by *procès-verbal* or otherwise, and shall have been open to public use for ten years, to be ascertained, described, and entered of record in a book to be kept for that purpose by the clerk of the city; and the said streets, avenues, roads, and highways, when so entered of record, shall be public streets, avenues, roads and highways, and the record thereof shall, in all cases, be held and taken as evidence for their being such public streets, roads, avenues and highways;

Building
line. “36. To prescribe that on certain streets, public places or squares, or portions thereof, all buildings or structures, or any part thereof, cannot be erected or reconstructed unless at a certain distance behind the line of said street, public place, or square, or portion thereof, and regulate what said distance shall be for any such street, public place or square, or portion thereof;

" 37. Upon petition of the majority of the proprietors interested, either by private contract or by expropriation, to acquire, take possession of, demolish and remove any building, or portion thereof, projecting beyond the building line on any street or public square, or portion thereof, and to levy the cost of acquiring, demolishing and removing any such building or portion thereof, including all expenses incidental thereto, by a special assessment on the properties fronting on any such street, square or portion thereof, upon the properties benefited by such improvements, or otherwise, as determined by the council;

" 38. To prevent every proprietor from re-building a demolished house on the site which it occupied beyond the line of a street or public place; provided that within a year, the council shall adopt measures in expropriation for acquiring the portion of the lot encroaching on the street;

" 39. Saving vested rights, to grant exclusive franchises for a period not exceeding thirty years, provided such franchises be granted by by-law adopted and published according to the procedure governing by-laws respecting loans;

" 40. Saving the franchises already granted, to authorize and permit, on such conditions as the council may determine, the laying of tramways in the streets of the city, and regulate the number of passengers to be carried in each car or vehicle used by such tramways ;

" 41. To make all agreements with trustees of turnpike roads concerning roads maintained by them, and with other corporations concerning roads belonging to them, within the limits of the city, for the possession of such roads, either by paying a sum annually, or by purchasing said roads, or for the widening or altering the same, or otherwise, on such terms and conditions as the council may determine. Nothing in this paragraph shall interfere with the privileges or rights of the Montreal Turnpike Trust."

64. Article 5641 of the Revised Statutes, 1909, is further amended, for the city, by adding thereto, after paragraph 41 thereof, as enacted by section 63 of this act, a new paragraph, as follows:

"The adoption, repeal or amendment of any by-law founded on paragraphs 1, 3, 4, 5, 8, 13, 13a, 14, 16, 16a, 16c, 17, 19, 32, 33, 36, 37, 39, 40 or 41 of this article shall require at least a two-thirds vote of the whole council. Any such by-law may enact that the resolutions which

shall originate from any such by-law shall likewise be adopted, repealed or amended only by a vote of at least two-thirds of the whole council."

PLAN OF THE MUNICIPALITY

R. S. 5642,
5643 and
5644, re-
placed for
the city.
Plans and
maps of
territory,

65. Articles 5642, 5643 and 5644 of the Revised Statutes, 1909, are replaced, for the city, by the following:

"**5642.** The council may make, amend and repeal by-laws to have plans or maps made of all the territory within the municipality subject to its jurisdiction, indicating the streets, lanes, and public places, or the dimensions which the council intends to give them; and every plan or map of the municipality, or any part thereof, already made, or which may hereafter be made, when confirmed by the Superior Court, shall be binding upon the city and upon the proprietors therein interested, and upon all other persons whomsoever; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new streets, public places or squares shown on the said plan, or at the time of the widening of any of the streets, public places or squares indicated on the said plan, for any buildings or improvements whatsoever, that the proprietors or any persons whosever may have made or caused to be made, after the confirmation of the said plan, upon any land or property reserved either for new streets, public places or squares, or for the widening of any of the streets, public places or squares in the city; provided that nothing contained in this article shall be construed as depriving the corporation of the right to widen or extend any of the streets, public places or squares designated in such plan, after its confirmation, or of abandoning the opening of any new streets, or the widening or extending of any existing street, as shown on the said plan; but that no such modification shall be made, unless it be resolved at a meeting of the council, by a vote of two-thirds of the members of the said council, and, thereupon, any of the judges of the Superior Court may, upon a petition of the corporation, order that the duplicates of the said plan, deposited in the office of the prothonotary of the Superior Court, be modified accordingly.

Duplicate to
be deposited
with Protho-
notary.

"**5643.** The council may order that a duplicate of each of the said plans shall be deposited, immediately after its completion, in the office of the prothonotary of the Superior Court for the district of Montreal, and another in the archives of the city; and after such plan shall have been confirmed and ratified by the said

court, the clerk shall make an entry upon the duplicate of the said plan, so deposited in the archives of the city, in the following words:

"Confirmed by the Superior Court, on the . . . day of . . . one thousand . . .".

"5644. For the purpose of opening or widening any street, lane or public place indicated on the said plans or maps, the council may, by expropriation, notwithstanding any law to the contrary governing the city, or by mutual agreement, acquire and take possession of all the immoveables, situated within the limits of the city, required for the opening or widening of the said streets, lanes or public places. The city shall be bound to effect such opening or widening within two years following the presentation of a petition to the council to that end, signed by a number of proprietors owning more than one-half of the whole front line of any such street, lane or public place as indicated on said plans or maps, or by those representing or administering the said bordering properties, or who are interested therein as tutors, administrators, guardians, institutes, curators, trustees, or in any other capacity, and that in any case the city shall be bound to expropriate within five years after application shall have been made to it in writing by any of the parties interested above mentioned, in default whereof the portion of the plan on account of which such a petition for expropriation has been made, shall no longer be binding. "

Acquisition of property for opening or widening of streets, &c.

WATER SUPPLY

66. The council may, by by-law approved by the vote of two-thirds of the whole council, levy annually a sum sufficient to fulfil the guarantee given by the city to the Montreal Water and Power Company under a certain contract existing between them, by the terms of which the city may compel the said company to have water mains, pipes or other conduits, hydrants or other apparatus, extended, placed or erected in any street or part of a street in the city, the whole on condition of a guarantee by the city that the revenue to be derived by the company from such improvements will be at least ten per cent per annum upon the cost thereof. In determining the amount each year, deduction shall be made of the amount which the said company may have the right to collect from proprietors in reference to such improvements; in such case the aforesaid sum shall be levied by the city by assessment on the proprietors who benefit by such improvement, or who own real estate situate on either side

Annual assessment for guarantee to Montreal Water & Power Co.
On whom to be levied.

of any street or part of a street in the city; and the council may regulate the mode in which such assessment shall be made, either by the frontage of said real estate or otherwise, as it may deem expedient.

Advance
may be made
by city in
certain case.

67. Whenever the majority in number of real estate owners or occupants on any street or part of street in the city, apply, by petition addressed to the city council, to have water mains, pipe service, or other conduits, and hydrants or other apparatus required to furnish an adequate supply of water, extended, placed or erected in any such street or part of street in the city, and the council, in its discretion, deems it unwise to exact the extension or placing of such water mains, pipes or conduits, or erection of such hydrants or other apparatus in conformity with the contract mentioned in section 66, binding the aforesaid company to the city, then the council may, by by-law passed by a vote of two-thirds of its members, enter into an agreement with the said company, by which the city shall advance an amount sufficient to cover the cost of the aforesaid improvements, which said amount shall, however, revert to the city as soon as the revenue to be derived by the said company from the said improvements shall be guaranteed by the city to be at least ten per cent per annum upon the cost thereof.

Annual as-
sessment to
pay interest.

When the extension of such water mains, pipes or other conduits, and the erection of hydrants or other apparatus required, shall have been completed, the council shall order the clerk to levy, annually, until the cost of said improvements shall have been refunded to the city, an amount sufficient to meet the interest, not exceeding six per cent per annum, on the amount expended by the city for such improvements; such interest to be levied by assessment on the proprietors who benefit by such improvements, or who own real estate situate on either side of any such street or part of street in the city; and the council shall regulate the mode in which such assessment shall be made, either by the frontage of said real estate on the street, or otherwise, as it may deem expedient.

LIGHTING

R. S. 5667,
replaced
for the city.

68. Article 5667 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Council vested with powers for lighting by gas, &c.

"5667. The council may, by by-law approved by the majority in number and in value of the electors who are proprietors, and who vote on such by-law, establish, maintain and operate a lighting plant and system by gas,

electricity or other process, for the requirements of the public, or private individuals, or companies, and may lease, sell or otherwise dispose of the same."

69. Article 5668 of the Revised Statutes, 1909, is replaced, for the city, by the following: R. S. 5668,
replaced for
the city.

"**5668.** The council may, by by-law, in order to pay the interest and sinking-fund on the outlay required for the establishment of a lighting system, and also in order to meet the expenses of maintaining and administering the same, impose an annual special assessment, either on all the proprietors or occupants of real property within the city, or on part of said proprietors or occupants, whose properties are served or benefited by such improvements, or otherwise, as the council may direct." Annual as-
sessment for
construction
of lighting
system.

MARKETS

70. Article 5677 of the Revised Statutes, 1909, is amended, for the city, by adding thereto a new paragraph, as follows: R. S. 5677,
par. 10,
enacted for
the city.

"10. To regulate the sale, weight, quantity, quality, weighing, or measuring of lumber for building purposes, sawn lumber, cord-wood, coal, lime, building materials, hay, grain, milk, bread, salt, spices, meat, fowl, game or any article or product whatsoever, brought, exposed or offered for sale, or intended to be sold, in the city; and confiscate any article not in accordance with the by-laws of the city, in addition to any fine which may be imposed, and authorize the inspection of the aforesaid articles by the officer appointed for such purpose by the council." Weighing,
measuring,
&c.

71. Article 5680 of the Revised Statutes, 1909, is amended, for the city, by replacing paragraph 12 thereof by the following: R. S. 5680,
par. 12, re-
placed for
the city.

"12. To prohibit or restrict and regulate the sale by retail of malt, spirituous, vinous, alcoholic or intoxicating liquors, within the limits of the city, and to fix, in addition to any tax which may be imposed under the provisions of this chapter, a sum, not exceeding two hundred dollars, payable for the granting of each certificate to obtain a licence authorizing the sale of spirituous, vinous, alcoholic or intoxicating liquors;" Granting cer-
tificates for
licenses.

VALUATION ROLL

72. Article 5696 of the Revised Statutes, 1909, is replaced, for the city, by the following: R. S. 5696,
replaced for
the city.

Annual assessment and preparation of roll.

Occupants to be entered.

Roll may be prepared every three years.

"5696. The assessors shall, each year, at the time and in the manner ordered by the council, assess the taxable property of the municipality, according to its real value. In assessing every property, they shall value separately the land, the buildings thereon erected, and the annual value of such property, and enter each valuation in a separate column of the roll.

They shall also enter in the roll the names of all occupants, and the amount of annual rent paid by each of them. The council may, by resolution, relieve the assessors from the duty of making a valuation roll of the taxable property oftener than every three years; and, in such case, the council shall revise the roll every year, or cause it to be revised by the assessors, as it deems expedient, giving the same notices and delays as for the making of the yearly valuation roll."

R. S. 5705, replaced for the city.

Deposit of roll.

Notice thereof.

Contents of notice.

73. Article 5705 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"5705. The assessors shall deposit the valuation roll in the office of the council, immediately after its completion; and public notice of such deposit shall be given by the clerk conformably to section 35 of this charter.

The notice shall state that the roll will remain open to the examination of parties interested, or their representatives, for the thirty days next following its deposit."

TAXES AND LICENSES

R.S. 5726, replaced for the city.

Taxes to bear interest.

Cannot be remitted.

74. Article 5726 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"5726. Taxes shall bear interest, at the rate of six per cent per annum, from maturity, without its being for such purpose necessary that a special demand for payment be made.

Subject to article 5775, neither the municipal council nor its officers can remit any taxes or the interest thereon."

R. S. 5728, replaced for the city.

Prescription of taxes, &c.

75. Article 5728 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"5728. The right to recover moneys due to the city for annual, special or personal taxes, or licenses, is prescribed and extinguished by five years from the date at which such taxes become due, provided that, in the case of special assessments payable by annual instalments, the prescription shall begin to run only from the moment such instalments respectively become due."

PROPERTY NOT TAXABLE

76. Article 5729 of the Revised Statutes, 1909, is R. S. 5729, amended, for the city, by inserting, after paragraph 2 am. for the city. thereof, a new paragraph, as follows:

“ 3. Moveable or immoveable property situated in the city, and which according to law is or shall be exempt from taxation for the purpose of meeting the general expenses of the city, shall nevertheless be taxable for the purpose of making, improving and maintaining water conduits, sewers, drains, fences, and sidewalks, and for the organization and maintenance of systems for fire and police protection, as well as for all works or local improvements; and the proprietors, possessors, holders and occupants of such property shall be bound to pay to the city the special tax fixed by the council, by by-law, to meet the expenditure occasioned thereby; the said property shall likewise be assessable for, and the owners thereof shall be bound to pay, all special assessments which may be imposed by the council. Certain exempt property to be taxable for certain purposes.

These taxes shall be levied and collected in the usual manner.

This paragraph shall not have the effect of limiting the exemption from taxes granted by resolution of the council in virtue of the law.”

IMPOSITION OF TAXES

77. Article 5731 of the Revised Statutes, 1909, shall R. S. 5731, not apply to the city. not to apply to the city.

COLLECTION ROLL AND COLLECTION OF TAXES

78. Article 5747 of the Revised Statutes, 1909, is R. S. 5747, replaced, for the city, by the following: replaced for the city.

“**5747.** The treasurer shall, each year, make a general collection roll, including the general tax, alone or in addition to any or all special taxes; he shall also prepare special collection rolls for special taxes, the whole at the time and in the manner prescribed by the council.” General collection roll.

LOANS

79. Article 5778 of the Revised Statutes, 1909, is R. S. 5778, replaced, for the city, by the following: replaced for the city.

“**5778.** The sinking-fund must be invested in the public funds of the Dominion or of the Province, or on first hypothec to an amount not exceeding one-half of the value of the property mortgaged, as appearing by the Investment of sinking-fund.

municipal valuation roll; provided that provision be made for the insurance of the property so mortgaged, to be taken in the name of the city and at the expense of the borrower, to an amount of not less than one-half the value of the property so insured; or it must be employed in the redemption of bonds issued by the corporation; or be deposited in a chartered bank; or be invested in local improvements, the entire cost whereof is guaranteed to the city by a privilege on the property of the rate-payers.

The council may, if the lenders consent to it or require it, deposit in their hands the sums intended for the sinking-fund.

In such case the receipts given to the council shall be so drawn as to define what amount has been paid for interest, and what amount for the the sinking-fund."

R. S. 5780,
replaced for
the city.

Coupons.

80. Article 5780 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"**5780.** Coupons to the amount of the half-yearly interest, bearing the lithographed signatures of the mayor and clerk, and payable to bearer where the interest therein specified falls due, may be annexed to each bond, obligation or debenture.

Evidence of
payment of
interest.

At the time of payment, the coupons shall be handed to the treasurer; and the possession, by such officer, of any coupon, shall be *prima facie* evidence that the half-yearly interest specified therein has been paid."

R. S. 5782a,
enacted for
the city.

81. The Revised Statutes, 1909, are amended, for the city, by inserting, after article 5782 thereof, a new article, as follows:

Spinsters,
&c., right to
vote in cer-
tain case;

"**5782a.** Spinsters, widows, usufructuaries, tutors, and trustees, who are seized or possessed of any real estate in the city, shall have the right to vote on any by-law of the council, authorizing the contracting of any loan to pay the improvements made in the city, if they possess the other qualifications necessary to be a municipal elector.

Also corpora-
tions.

Corporations and companies holding immoveables liable for special assessment, of a value sufficient to qualify a municipal elector, shall, on matters respecting loans, have the right to vote, through their agent or duly authorized attorney; provided they give the name of their said agent or attorney to the clerk of the city, at least five days before the date fixed for the adopting or rejecting of the said by-law."

R. S. 5789,
replaced for
the city.

82. Article 5789 of the Revised Statutes, 1909, is replaced, for the city, by the following:

"5789. Notwithstanding the provisions of this sub-^{Temporary} section, the council may, pending the collection of the ^{loans.} general and special taxes, and of the water-rate, on mere resolution, and without being bound to obtain the approval of the electors who are proprietors, or of the Lieutenant-Governor in Council, contract temporary loans, from time to time, by means of notes, for a period not exceeding the then current fiscal year, and on such terms and conditions as the council may deem expedient, to an amount not exceeding at any time one-half the revenue of the municipality then due and exigible.

"5789a. In no case shall the debt of the city exceed ^{Limit of bor-} fifteen per cent of the assessed value of the real estate of the ^{rowing po-} city. ^{wer.}

The amounts due by proprietors for local improvements, ^{Exception.} in virtue of the city charter and by-laws, shall not be taken into account for the purpose of determining the debt of the city."

EXPROPRIATIONS

83. The Revised Statutes, 1909, are amended, for the ^{R. S. 5795a,} city, by inserting therein, after article 5795 thereof, a new ^{enacted for} article, as follows: ^{the city.}

"5795a. In all cases of expropriation the council shall, ^{Estimate of} by public notice and by registered letter, call upon the ^{value and} parties to produce within thirty days from the date of such ^{damages.} notice, an estimate of the valuation of the property or portion of property to be expropriated, and, in general, all claims for damages and compensation, so as to be in a position to enter into arrangements and make offers.

The city itself shall be obliged to make offers to each ^{City to} of the persons to be indemnified. ^{make offers.}

84. The Revised Statutes, 1909, are amended, for the ^{R. S. 5796a} city, by inserting therein, after article 5796 thereof, a new ^{enacted for} article, as follows: ^{the city.}

"5796a. Before proceeding, the arbitrators shall be ^{Oath to be} sworn before a commissioner or a justice of the peace for ^{taken by} the district of Montreal, or the clerk of the city, to impar- ^{arbitrators.} tially perform the duties of their office."

85. The Revised Statutes, 1909, are amended, for the ^{R. S. 5798a} city, by inserting therein, after article 5798 thereof, a new ^{enacted for} article as follows: ^{the city.}

"5798a. If by an award of arbitrators, made in any ^{Costs in case}

of arbitra-
tion.

expropriation for municipal purposes, the sum awarded exceeds the sum offered by the city, the costs of the arbitration shall be borne by the city; but if otherwise, they shall be borne by the opposite party, and be deducted from the amount of the award; and in either case, the amount of such costs, if not agreed upon, may be taxed by a judge of the Superior Court."

R. S. 5799,
replaced for
the city.

86. Article 5799 of the Revised Statutes, 1909, is replaced, for the city, by the following:

Immediate
possession on
certain con-
ditions.

"5799. By the payment or legal tender, followed by a deposit in court, of the amount of indemnity awarded to the party entitled to it, the award gives, to the city, authority to take immediate possession of the property, and to exercise the rights and effect the purposes for which the indemnity was granted; but the city may deduct from such indemnity the amount of the assessments then due by the expropriated proprietor; if resistance or opposition be offered to the taking possession of the property, or to the exercise of such rights, any judge of the Superior Court, on proof of the award of the arbitrators, and of the payment, or tender and deposit, as the case may be, may issue his writ, addressed to any bailiff or to the sheriff, in order to have the corporation placed in possession of such immoveable, or in the exercise of such rights, and to cause all resistance or opposition to cease, all which the bailiff or sheriff shall effect, providing himself for that purpose with the assistance required."

R. S. 5800a,
5800b, 5800c
and 5800d,
enacted for
the city.

87. The Revised Statutes, 1909, are amended, for the city, by inserting therein, after article 5800 thereof, new articles, as follows:

Acquisition
of property.

"5800a. The council may, by amicable arrangement, expropriation, or otherwise, acquire, take possession of and enter into any immoveable property within the city, which the said council considers necessary or useful to the carrying out of any improvement, and, when advisable, may acquire a larger tract of land than necessary, and resell any portion thereof not ultimately required.

Works that
may be ex-
ecuted by
council.

"5800b. The council may execute any works or improvements it may deem necessary or useful in the public interest; and it may lay out model plots of ground, and build model residences, and lease, sell and dispose of the same under such terms and conditions as the said council may think best in the interest of the city.

Payment for
same.

"5800c. The council may determine that any such works or improvements shall, in whole or in part, be paid

for by the city, or, in whole or in part, by special assessment levied on fronting proprietors, or on proprietors who benefit thereby, or otherwise, as the council may order.

“5800d. The council of the city may provide an equitable mode of assessment for any improvements ordered or to be ordered for works and services on corner lots, triangular or other irregularly-shaped pieces of land situate at the intersection or junctions of streets, roads or squares, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such works, improvements and services; and may charge the amount of any allowance made on any such lot or piece of land on the other real property fronting on the improvements, or may assume the same as a portion of the city's share of the work or improvements, or otherwise, as the council may determine.”

RATIFICATION CLAUSE

88. By-law No. 46 of the city, concerning a loan of fifty thousand dollars, duly passed and approved by the council on the fifth of May, 1899, and approved by a majority in number and in real value of the municipal electors, proprietors, who at the time fixed for so doing, *id est*, on the twenty-seventh day of May, 1899, cast their votes for or against such by-law, and which has already been ratified by the act 63 Victoria, chapter 55, section 14, (but which act is hereinafter repealed), is hereby declared legal and valid, and is ratified for all legal purposes, without prejudice to pending cases respecting costs.

89. The authentic deed passed before A. C. Lyman, N. P., on the eighteenth day of March, 1904, by which the city has acquired from Robert Macnider *et al*, lots 26 and 31 of the official plan and book of reference of the parish of Montreal, for the purposes of extending Boulevard Street and widening Côte St-Catherine Road, and executing certain other improvements, is declared legal and valid, and ratified for all purposes.

90. By-law No 72 of the city, granting to the Montreal Street Railway Company an exclusive franchise and exemption from taxes for thirty years, which was unanimously adopted by the council on the 20th December, 1905, and unanimously approved by the electors who are proprietors on the 8th January, 1906, and which has already been ratified by the act 6 Edward VII, chapter 52, section 11, (but which act is hereinafter repealed), is hereby de-

clared legal and valid, and ratified to all intents and purposes.

REPEALING CLAUSE

Provisions
repealed.

91. The acts 58 Victoria, chapter 55, 63 Victoria, chapter 55, 4 Edward VII, chapter 58, 6 Edward VII, chapter 52, 1 George V (1st session), chapter 59, and 2 George V, chapter 63, are hereby repealed.

Coming into
force.

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

CHAP. 94

An Act to amend the charter of the town of Joliette.

[Assented to 5th March, 1915]

Preamble.

WHEREAS the corporation of the town of Joliette has by its petition represented:

That, owing to the amendments to the Quebec Election Act, all proprietors who are not domiciled in the town of Joliette no longer have the right to vote at municipal elections, and that it is just and desirable that they be granted such right;

That, to assure its development, the town of Joliette needs to enlarge its territory, and to obtain certain amendments to its charter, the act 27 Victoria, chapter 23, and the acts amending the same;

Whereas it is expedient to grant such prayer;

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

27 Vict. ch.
23, s. 1a,
enacted.

Territory
annexed.

1. The following section is inserted in the act 27 Victoria, chapter 23, after section 1:

"1a. The following territory is detached from the municipality of the parish of St. Charles Borromée, and annexed to the town of Joliette, namely: a territory having an area of about three hundred and thirty-seven arpents, and comprising, with the space occupied by the Canadian Northern Quebec Railway, the parcels of land known and designated in the plan and official book of reference of the cadastre of the said parish under the Nos. 213, 214, 215, 216, 217, 218, 219, 220, part of lots Nos. 68 and 69 to the southwest of the branch of the Canadian Pacific Railway, and the remainder of lot No. 16."