

C H A P . 1 0 9

An Act to amend the charter of the village of St. Michel de Laval, and to incorporate it as a town under the name of the "Town of St. Michel."

[Assented to 5th March, 1915]

Preamble.

WHEREAS the corporation of the village of St. Michel de Laval has, by its petition, represented that its charter, the act 4 George V, chapter 97, no longer meets the growing needs of the said municipality, and that it wishes to be incorporated as a town under the name of the "Town of St. Michel", subject to the application of the Cities and Towns' Act with certain modifications and restrictions; that it was obliged to pass a by-law respecting the issue of certain debentures derogating from the provisions of the Revised Statutes, 1909, governing the matter, in order to be able to proceed to the opening of the Boulevard Pie IX within its limits, ordered by the act 3 George V, chapter 58; that, in order to establish its sewerage system, including a filtering field, the petitioner was compelled, owing to the fact that its territory is remote from all streams, to make certain agreements and contracts with the corporation of the town of Sault-au-Recollet and Mr. Sylva P. Belair, dated the 21st November, 1914, and containing certain provisions and conditions not provided for by the general law relating to municipal corporations; that it has also had to acquire certain immoveables from Dame Widow Amable Constantineau, Napoléon Masson and Zéphirin Pesant on the 30th November and 17th December, 1914, and that doubts have arisen as to the titles of the vendors and their *auteurs*, as well as to the right to dispose of the said immoveables; that to avoid too heavy expense the said corporation has reduced the widening of the "Montée St. Michel" as shown on the plan of F. C. Laberge, land-surveyor, dated the 15th May, 1913, and confirmed by the act 4 George V, chapter 97; that it is expedient to ratify and confirm the by-laws, agreements and contracts above mentioned, as well as the alterations made in the plan of the 15th May, 1913; that, moreover, in order to continue the construction of its sewerage system and waterworks, to make permanent sidewalks, pave and macadamize its streets and public roads and proceed to open new streets to the prolongation of the road called "Montée St. Michel," it needs an amount of three hundred and twenty-five thousand dollars which it wishes to borrow;

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

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

1. The inhabitants and ratepayers of the territory of the Town incorporated village of St. Michel de Laval, and their successors for ever, constitute and shall be a town corporation under the name of the "Town of St. Michel."

2. The territory of the town of St. Michel shall be the same as that of the municipality of the village of St. Michel de Laval, and be bounded, described and limited as follows:

"Beginning at a point in the middle of the road called "Côte Saint Michel," opposite the dividing line between lots 332 and 333 of the cadastre of the parish of Sault-au-Recollet; thence northwesterly passing through the said road and following the northeast line of lot 332 as far as the lots belonging to the town of Sault-au-Recollet; thence turning towards the northeast following the windings of the southeast limits of the town of Sault-au-Recollet as far as the southwest side of the "Montée Saint-Michel," at the point of intersection of lots 126 and 343; thence continuing in the direction between the said lots 126 and 343 as far as the "Montée Saint Michel;" thence continuing through the middle of "Montée Saint Michel" opposite lot No. 352; thence, turning towards the northwest, following the middle of the "Montée Saint Michel" as far as opposite the northwest line of lot No. 353; thence turning towards the northeast, crossing the said Montée St. Michel, and following the southeast line of the lots belonging to the parish of Sault-au-Recollet as far as the northeast line of lot No. 368; thence turning towards the southeast following the dividing line between lots Nos. 368 and 369 and lot No. 370 as far as the road called "Cote Saint Michel," and continuing in the same direction as far as the middle of the said road; thence turning towards the southwest following the middle of the road called "Côte Saint Michel" as far as opposite the northeast dividing line of lot No. 438; thence turning towards the southeast, crossing the said road and following the dividing line between lots 437 and 438 as far as lot 437*a*; and then crossing the said lot No. 437*a* in the same direction as before, as far as the lots belonging to the incorporated village of Côte de la Visitation; thence turning towards the southwest following the windings of the northwest line of the incorporated village of Côte de la Visitation as far as the southwest line of lot No. 474*a*; thence turning in a northwesterly direction following the dividing line between lots Nos. 474*a* and 475, and continuing in the dividing line between lots Nos. 474

and 475 as far as the road called "Montée St. Michel," and crossing in the same direction as far as the middle of the said road called "Côte Saint Michel"; thence turning towards the southwest following the middle of the road called "Côte Saint Michel" to the point of departure."

Loans declared valid.

3. The loans effected under the act 4 George V, chapter 97, are declared to be valid for all legal purposes.

Town to succeed to village.

4. The corporation hereby constituted shall succeed to all the rights, powers, obligations, property, claims and actions of the corporation of the village of St. Michel de Laval, and replace it for all legal purposes.

By-laws, &c.

5. All by-laws, assessment, valuation or collection rolls, *procès-verbaux*, orders, lists, plans, resolutions, ordinances, agreements, provisions, exemptions from taxes, engagements or public acts done, passed or consented to by the said village of St. Michel de Laval, and in force in the village, shall remain in force until repealed, amended or resiliated, or until their object is accomplished.

Officers, &c.

6. The present municipal officers and employees of the former village of St. Michel de Laval shall remain in office until the expiration of the term thereof or of their engagement, or until replaced according to law, and, during such period, they shall remain vested with the rights, powers and privileges pertaining to them and subject to all the duties imposed on them.

Cities and Towns' Act to apply.

7. The corporation shall be governed by the Cities and Towns' Act (articles 5256 to 5884 inclusive of the Revised Statutes, 1909), except in so far as the same may be hereafter derogated from.

Present mayor and councillors to remain in office.

8. The present mayor and councillors of the village of St. Michel de Laval and those who replace them, in case of vacancy, shall remain in office until the election of their successors.

R. S. 5271, replaced for the town.

9. Article 5271 of the Revised Statutes, 1909, is replaced, for the town, by the following:

First general election.

"5271. The first general election of mayor and aldermen shall take place on the first juridical day of the month of February, 1916.

Subsequent elections.

The second general election shall take place on the first juridical day of the month of February, 1918, and subsequent general elections shall take place every second year on the first juridical day of February."

10. Article 5272 of the Revised Statutes, 1909, is re-
placed, for the town, by the following: R. S. 5272,
replaced for
the town.

"5272. The returning-officer for the first general elec-
tion shall be the secretary-treasurer or clerk of the said
corporation, and, in his default, any person chosen by a
resolution of the council." Returning-
officer for
first election.

11. The municipality shall consist of a single ward. No division
Articles 5283, 5284 and 5285 of the Revised Statutes, 1909, into wards.
shall not apply to the town; nevertheless, on a vote of two-
thirds of the members of the council, the town may be
divided into wards, and articles 5283, 5284, 5285, 5302, 5370,
5371, 5372 (paragraph 4), 5373 (second clause), 5377, 5380,
5382, 5397, 5422 (paragraph 1), 5423, 5501, 5506 and 5507 Provisions
of the Revised Statutes, 1909, amended or repealed for the applicable.
town by this act, shall apply to the town in their original
text.

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

"5300. The municipal council of the town shall con-
sist of a mayor and six aldermen elected in the manner
hereinafter set forth." Composition
of council.

13. Article 5302 of the Revised Statutes, 1909, is
replaced, for the town, by the following: R. S. 5302,
replaced for
the town.

"5302. The aldermen shall be elected for the same
period by the majority of the municipal electors of the
municipality who have voted." Term of office
for aldermen.

14. Articles 5370, 5371, 5377, 5380, 5397 and 5423 of
the Revised Statutes, 1909, shall not apply to the town. Provisions
not applica-
ble.

15. Voting shall take place at a single spot indicated
by a resolution of the council, or, in its default, by the re-
turning-officer. Place of
voting.

The persons qualified to vote shall do so at that spot,
but they can vote only once for the election of a mayor
and only once for each of the six offices of aldermen. Only one vote
for each
office.

The provisions of the Cities and Towns' Act respecting
the division into wards and to the deputy returning-officers
within the limits of a municipality, shall apply to the town
only upon the vote of two-thirds of the members of the
council ordering that the town be divided into polling
districts. Provisions
applicable
in certain
case.

16. Paragraph 4 of article 5372 of the Revised Statutes,
1909, is replaced, for the town, by the following: R. S. 5372,
par. 4, re-

placed for
the town.
Certain per-
sons not
qualified to
vote.

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

R. S. 5373,
replaced for
the town.

17. Article 5373 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Cannot vote
unless taxes
are paid.

"**5373.** No person qualified to vote as proprietor, tenant or occupant, shall be entitled to have his name entered on the electors' list for the municipality who, on the first day of November next preceding the expiration of the delay mentioned in article 5374, is indebted to the municipality for any taxes (special taxes excepted)."

R. S. 5378,
replaced for
the town.

18. Article 5378 of the Revised Statutes, 1909, is replaced, for the town, by the following:

List of
electors.

"**5378.** He shall make for the municipality, an alphabetical list of the electors qualified to be entered thereon, which he shall sign and certify under oath before a justice of the peace, as correct to the best of his knowledge and belief, the whole according to form B."

R. S. 5382,
replaced for
town.

19. Article 5382 of the Revised Statutes, 1909, is replaced, for the town, by the following.

Duty of
mayor to see
that list is
made, &c.

"**5382.** The mayor shall see that the electors' list for the municipality is made as aforesaid, and he may dismiss the clerk if the latter refuses or neglects to so make the said list, and also any civic employee who tampers with the same."

R. S. 5422,
par. 1, re-
placed for
town.

20. Paragraph 1 of article 5422 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Who may
nominate
candidates,
and form of
nomination-
paper.

"**5422.** 1. Ten electors qualified to vote and whose names are entered on the list of electors in force in the municipality, may nominate a candidate for the office of mayor, and ten electors qualified to vote and whose names are entered on the list of electors in force in the municipality, may nominate a candidate for the office of alderman, by signing, in either case, a nomination-paper, in the form H if the mayor be in question, and in the form I if an alderman be in question, stating therein the name and surname, residence, and profession or occupation of the person nominated, in such manner as sufficiently to identify such candidate; and by delivering the said nomination-paper to the

returning-officer on the day and at the hour and place indicated in the notice of the returning-officer published in accordance with article 5419, or causing the same to be delivered to the returning-officer as hereinafter mentioned."

21. Article 5501 of the Revised Statutes, 1909, is replaced, for the town, by the following:

"5501. Except the returning-officer, the deputy returning-officer, the poll-clerk and the constables and special constables appointed by the returning-officer or the deputy-returning-officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the municipality for at least six months next before the day of such election, shall come, during any part of the day upon which the poll is to remain open, armed with offensive weapons of any kind such as fire-arms, swords, staves, bludgeons or the like; and no person being in the municipality shall arm himself, during any part of the day, with any such offensive weapon, and thus armed approach within one mile of the place where a poll is held, unless called upon to do so by lawful authority."

R. S. 5501,
replaced for
the town.
Strangers
not to enter
polling dis-
tricts armed.

22. Article 5505 of the Revised Statutes, 1909, is replaced, for the town, by the following:

"5505. No person shall keep open within the limits of the municipality any bar in a hotel or club, or any tavern, shop or store, whether licensed or not, in which spirituous or fermented liquors are ordinarily sold, during the day of voting, and any such person shall be guilty of an offence triable summarily, and shall be liable to a fine of fifty dollars and to imprisonment not exceeding three months in default of payment."

R. S. 5505,
replaced for
the town.
Hotel bars,
&c., to be
closed.

23. Article 5506 of the Revised Statutes, 1909, is replaced, for the town, by the following:

"5506. On the polling day no one shall, within the limits of the municipality, under penalty of being guilty of an offence triable summarily, and of being liable to a fine of fifty dollars and imprisonment not exceeding three months, either sell for a price in money, or in exchange for any article, or lend, deliver or give gratuitously any quantity whatever of spirituous or fermented liquor, except in the case of a sick person, the proof whereof shall lie with the accused, in which case the liquor cannot be sold, lent, delivered nor given except upon the certificate of a priest or minister of some religious denomination or of a physician; and whosoever shall give or deliver a false

R. S. 5506,
replaced for
the town.
Liquor not to
be supplied
during cer-
tain days.

Exception.

Penalty for false certificate.

certificate in respect thereof shall be guilty of an offence summarily triable, and shall be liable to a fine of fifty dollars, and, in default of payment, to imprisonment not exceeding one month."

R. S. 5507, replaced for the town.

24. Article 5507 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Liquor not to be brought into town on certain days.

"**5507.** During the days mentioned in article 5506, and under the same penalties, but subject to the same exceptions in case of sickness, it is forbidden to cause to be brought or transported, or to bring or transport, within the limits of the municipality, or from one place to another within the said limits, any quantity whatever of spirituous or fermented liquor.

Exception, merchants.

This provision shall not affect the sale, transport, delivery or purchase of spirituous or fermented liquor, made in good faith and in the ordinary course of business by a merchant or trader; provided that the cases, casks, bottles or envelopes containing the said liquor be not opened, broken, or unclosed during the days above mentioned."

Restriction.

R. S. 5556, replaced for town.

25. Article 5556 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Where sessions are held.

"**5556.** The sessions of the council shall be held at the place where they are now held, until the council otherwise decides by resolution."

R. S. 5639, am. for town.

26. The following paragraph is inserted, for the town, in the Revised Statutes, 1909, after paragraph 23 of article 5639:

Right to lay pipes.

"**23a.** To lay, within its boundaries, collecting or main pipes across any lots, streets or lanes, without being obliged to acquire any right of ownership or servitude on such immoveables; but subject to the payment, in such case, of damages suffered through such works."

R. S. 5648, replaced for the town.

27. Article 5648 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Expropriation.

"**5648.** When the parties cannot come to an amicable arrangement with respect to the acquisition of any immoveable property for water-works or for any of the purposes mentioned in the preceding articles, either within or without the municipality, or for the right of way through such property, or any servitude thereon, the same may be acquired by expropriation.

Right to lay pipes, &c.,

Nevertheless the town may, within its boundaries, lay its mains in any private lots, streets or lanes, without

acquiring any right of ownership or servitude on such immoveables, but subject to the obligation of indemnifying the owner." without acquiring ownership.

28. Article 5731 of the Revised Statutes, 1909, is replaced, for the town, by the following: R. S. 5731, replaced for the town.

"5731. All land under cultivation or farmed or used as pasture for live stock, as well as all uncleared land or wood lots within the municipality, shall be taxed, for a term of ten years, to an amount proportionate to one-fourth of its value as entered on the valuation roll, upon the condition that such proportionate amount shall not exceed one hundred and fifty dollars per acre, including the buildings thereon constructed. Taxation of farming lands.

The council may cause to be added to the valuation roll, from time to time, by the assessors in office, on the valuation by them made, any portion of such land or immovable, which has been detached as a building lot, and shall thus have become liable to taxation after the closing of the valuation roll, and may exact the said tax as upon all other lots entered on the said roll. " Additions to roll in certain cases.

29. Article 5780 of the Revised Statutes, 1909, is replaced, for the town, by the following: R. S. 5780, replaced for the town.

"5780. Coupons to the amount of the half-yearly interest, signed by the mayor and countersigned by the clerk, and payable to bearer when the interest specified therein falls due, may be annexed to each bond, obligation or debenture. Coupons.

The signature of the mayor and clerk may be lithographed or printed. Signature.

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." Proof of payment of interest.

30. The following article is inserted, for the town, in the Revised Statutes, 1909, after article 5790; R. S. 5790a, enacted for the town.

"5790a. 1. The council may acquire, by mutual agreement or by expropriation, all immoveables, or portions of immoveables and servitudes necessary for the prolongation, straightening and widening of the road called "Montée St. Michel" according to the plan prepared for the purpose by F. C. Laberge, land-surveyor, dated the 27th November, 1914; it may also, if it deems the same advantageous, acquire, in the same manner, the whole of the immovable a portion only whereof is needed for the said purposes, Authorization to acquire property or servitudes for "Montée St. Michel."

and in such case, every of excess of land so acquired may be resold, exchanged or otherwise alienated, on a mere resolution of the council, by auction or by mutual agreement, in a lump or partially. The municipality must obtain the owners' consent to the expropriation of a portion of an immoveable not required for the above purposes.

Surplus may
be disposed
of.

2. The council may, by mutual agreement, and either by sale or exchange, dispose of all that remains of the land now occupied by the Montée Saint-Michel, after the execution of the aforesaid plan; and it may also, by a mere resolution, but with the consent of the council of the town of Sault-au-Recollet, annex all the land lying between the centre of the proposed road and the present boundaries of the municipality, and enter into all contracts and agreements to that end.

Delay in
which work
must be
completed.

3. The prolongation and widening of the road called "Montée Saint-Michel" must be completed before the first of July, 1915."

Loan author-
ized for cer-
tain purpo-
ses.

31. In order to extinguish its floating debt, to continue the construction of its sewerage and waterworks systems, to complete its permanent sidewalks, as well as the paving and macadamizing of the streets and public roads, to proceed with the opening of new streets and the prolongation of the road called "Montée St. Michel", and also to expropriate the land needed for such purposes, the council is authorized to borrow an amount of three hundred and twenty-five thousand dollars on bonds or debentures repayable in forty years at a rate of interest not exceeding six per cent per annum; and articles 5777, 5778, 5782, 5786 and 5788 of the Revised Statutes, 1909, are expressly declared to not apply to the corporation as regards such loan.

Proviso.

Uses to
which pro-
ceeds of loan
shall be put.

32. Out of the amount of three hundred and twenty-five thousand dollars mentioned in section 31, a sum of twenty-five thousand dollars shall be expended for waterworks and sewers in tenth, ninth, eighth and seventh avenues from St. Michel Road to the Grand Boulevard, and on the Grand Boulevard from the Montée St. Michel across lot number 472 of the official cadastre of the parish of Sault-au-Recollet.

Widening of
"Montée St.
Michel"
declared
valid.

33. Notwithstanding any provisions to the contrary, the widening of the "Montée St. Michel", as effected, although less than shown on the plan of F. C. Laberge, land-surveyor, dated the 15th May, 1913, is legalized,

validated and ratified as regards the municipality, the proprietors interested and all other persons.

34. By-law No. 21 respecting the issue of debentures for the opening of the boulevard Pie IX, adopted by the council of the village of St. Michel de Laval on the 26th November, 1914, is ratified, validated and confirmed; and articles 5777, 5778, 5782, 5786 and 5788 of the Revised Statutes, 1909, are expressly declared to not apply to the corporation as regards the debentures issued under such by-laws. By-law ratified.
Certain provisions not to apply to town.

The debentures so issued shall not affect the town's borrowing power.

35. The plan for the prolongation and widening of the "Montée St. Michel", dated the 27th November, 1914, and the general plan of the municipality dated the 15th December, 1914, prepared by F. C. Laberge, land-surveyor, are declared legal, valid and obligatory for the municipality, the proprietors interested and all other persons; and the provisions of article 5644 of the Revised Statutes, 1909, shall apply to such plan; but it shall be carried out only when the council deems the same advisable. Plans ratified.

Nevertheless the plans mentioned in this act shall not touch or affect the territory of the city of Montreal.

36. The following deeds and contracts are hereby validated, ratified and confirmed and shall have full force and effect, namely: the deed of agreement between the corporation of the village of St. Michel de Laval and the town of Sault-au-Recollet, before Mr. C. Paquet, N. P., on the 21st November, 1914; the deed of sale between the corporation of the village of St. Michel de Laval and Mr. Sylva P. Belair, passed before Mr. C. Paquet, N. P., on the 21st November, 1914; the deed of sale between the corporation of the village of St. Michel de Laval and Dame Widow Amable Constantineau, passed before Mr. C. Paquet, N. P., on the 17th December, 1914; the deed of sale between the corporation of the village of St. Michel de Laval and Mr. Napoléon Masson, passed before Mr. C. Paquet N. P., on the 17th December, 1914; and the deed of sale between the corporation of the village of St. Michel de Laval and Zephirin Pesant, passed before Mr. C. Paquet, N. P., on the 30th November, 1914. Deeds and contracts ratified.

37. The act 4 George V, chapter 97, is repealed, except sections 1, 2, 7, 10, 11, 12 and 13. Provisions repealed.

38. This act shall come into force in the day of its sanction. Coming into force.