

YEAS :—Proulx, Yates, Levy, Robillard, Gallery, Lavallée, Mercier, O'Connell, Couture, Laviolette, Gadbois, J. B. A. Martin, Séguin, Duquette, Major, Guay, David, Roy, Prud'homme, McKenna.—20.

NAYS :—L. A. Lapointe, Larivière, M. Martin, Dagenais, Turner, Bumbray, N. Lapointe, Leclaire, Robinson, Ward, Mount, Lamoureux.—12.

C H A P . 8 2

An Act to amend the charter of the city of Montreal, with the view of reducing the number of aldermen and of establishing a board of commissioners

[Assented to 29th May, 1909]

Preamble.

WHEREAS Farquhar Robertson, merchant ; Charles Chabut, merchant ; Victor Morin, notary, and S. D. Vallières, burgess, all of Montreal, have, by their petition, represented that public opinion is manifestly favourable to the reduction of the number of aldermen and to the appointment of a board of commissioners to superintend the administration of the municipal affairs of the city of Montreal ;

Whereas the said petitioners have prayed for the passing of an act to that effect, and it is expedient to grant the prayer of 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 :

62 V., c. 58,
s. 21, re-
placed.

1. Subject to the provisions of section 4 of this act, article 21 of the act 62 Victoria, chapter 58, is replaced by the following :

Mayor and
Council.

“ **21.** The city of Montreal shall from and after the next general elections of its council be governed by a council consisting of a mayor and of one alderman for each ward, who shall be elected every second year.

Id., s. 21a,
enacted.

2. Subject to the provisions of section 4 of this act the following articles are added after article 21 of the act 62 Victoria, chapter 58.

Board of
commis-
sioners.

“ **21a.** The affairs of the city shall be managed by a board of commissioners consisting of the mayor and of four commissioners elected by the people.

“ **21b.** The election of such commissioners shall take place on the same day and in the same manner as that of the mayor. Election of Board.

“ **21c.** Every elector qualified to vote at the election of the mayor, shall also have the right to vote at the election of the commissioners and he may give as many votes as there are commissioners to elect, but he cannot vote more than once for the same candidate. Voters at such election.

“ **21d.** Every elector qualified to vote at the election of commissioners and who wishes to vote, must record his vote at the poll of the district in which his domicile is situated. Where to vote.

“ **21e.** If, after the hour fixed by law for the nomination has elapsed, no more candidates are presented than the number required by law, then the candidates so nominated shall be declared elected by acclamation. If there are more candidates than the number required by law, they shall then be nominated and, on the day of the election fixed by law, the four candidates who have the most votes shall be declared to be elected commissioners. Election by acclamation. Nomination, &c.

“ **21f.** Nobody shall be eligible for the office of commissioner unless he has resided in the city during the whole year immediately preceding the nomination. Qualifications of commissioners.

“ **21g.** Before assuming the office of commissioner, every candidate shall take oath before the city clerk. Oath of office.

“ **21h.** The commissioners elected shall have a seat in the council, but shall merely have the right to give their opinion. They, like the mayor, shall represent all the electors of the city. Commissioners to sit in council, &c.

“ **21i.** The members of the board of commissioners shall be elected for four years ; Term of office.

21j. The mayor shall *ex-officio* be the chairman of the board of commissioners and, in the event of his absence, the board shall elect one of their members to preside at their meetings. Three of the commissioners shall form a quorum and, when the votes are equally divided, the chairman shall have a vote. Chairman of commissioners, &c.

“ **21k.** Notwithstanding any provisions to the contrary, articles 124 to 191 of the charter and its amendments shall apply *mutatis mutandis* to the election of the commissioners. But, in the event of more than four candidates being nominated for the office of commissioner and of one of them dying before the close of the election so as to leave only four candidates, Id., art. 124-191, to apply to election of commissioners, &c.

the clerk shall declare elected the four candidates nominated who remain. If four candidates only have been nominated and declared elected by acclamation and if one of them dies before the close of the election for mayor, if one takes place, or for that of aldermen, the three candidates remaining shall be declared elected by acclamation, and the clerk shall begin over again the proceedings for the nomination of candidates to the office of commissioner by giving the notices prescribed by article 81 and fixing the day for the nomination of a candidate or candidates for the office of commissioner and for the voting, with an intermediate delay of eight days.

Functions of
commissioners.

“ **211.** Notwithstanding any provisions to the contrary, the duties and functions of the members of the board of commissioners shall be :

1. To prepare all yearly estimates ;
2. To make all recommendations involving the expenditure of money. No recommendation involving the expenditure of money and affecting in any manner whatever the finances of the city, shall be adopted by the council without having been previously submitted to the board of commissioners, and approved by them.
3. With the exception of long term contracts, the granting of franchises and privileges, the issue of debentures and proposed loans, which shall be decided by the council, it shall be the duty of the commissioners to award all contracts, and to have all plans and specifications prepared for every contract to be granted, for the maintenance, improvement or embellishment of the city ;
4. To call for and accept or reject all tenders that may be submitted for work to be done within the city limits and to make a report thereon to the council ;
5. To purchase all materials, furniture, machinery and generally all articles required for the carrying out of the contracts given or to be given, and report thereon to the council ;
6. To have all works in course of execution within the city limits inspected and superintended and to report thereon to the council every month ;
7. To employ all moneys voted by the council for the purposes for which they have been voted ;
8. To indicate to the council the principal officers of each department, and, on the report of the latter, to propose to the council the number of employees required for each department, and to recommend the salary to be paid to each of them ;
9. To dismiss or suspend from office for cause any head of a department or any officer on the report of the head of the

department and to immediately report such dismissal or suspension to the council.

No decision of the board of commissioners rendered in virtue of this article, shall have effect until it has been approved by the council by the majority of the members present. Approval by council of board decisions.

The council, nevertheless, cannot reverse a decision or amend a report or recommendation of the board of commissioners on a matter set forth in this article, except by the vote of the absolute majority. Majority required to reverse such decisions.

“ **21m.** It shall be the duty of the commissioners to report to the council four times every year and to give a full statement of their management during the period elapsed and as often as the council may require. Report to council.

“ **21n.** The council may, by by-law or resolution, assign to the board of commissioners all such duties it may deem expedient and advisable, and the board shall, upon a resolution of the council, after one week's notice, furnish the council with a copy of the minutes of its meetings and all information which the council may deem expedient to require from them. Assignment of duties by council, &c.

“ **21o.** The salary of each of the members of the board of commissioners shall be fixed by the council, but shall not be less than five thousand dollars nor more than ten thousand dollars, except in the case of the mayor who shall receive the sum of two thousand dollars over and above his salary as mayor. Salary of commissioners.

“ **21p.** Such commissioners shall devote all their time to the performance of their duties and shall not hold any other public remunerated office. Commissioners to give all their time, &c.

“ **21q.** In the event of the death or resignation of one of the members of the board of commissioners, his substitute shall be appointed by the council for the balance of his term of office. Replacing of commissioners.

3. Subject to the provisions of article 4 of this act, the following article is inserted in the act 62 Victoria, chapter 58, after article 297: 62 V., c. 58, s. 297a., added.

297a. The city council shall, by by-law, appoint a commission of municipal works and confer upon such commission all the necessary rights and powers for the supervision and execution of all works, improvements and constructions which are within the province of the different civic departments, as well as for the awarding of contracts, purchase of materials and Commission of municipal works.

	supplies, and the engagement and direction of the labourers, workmen and employees on the works of the city.
Composition of commission.	The said commission shall be composed of five members, who shall be or become civic officials and who may collectively or individually have charge of a municipal department.
Functions of commission.	Nothing in connection with the matters above mentioned shall be submitted to the council without the approval of the members of such commission, and they shall have a right to be heard in the council upon such matters without the right to vote.
Their decision how reversed.	Their decisions shall not be reversed save by the absolute majority of the council.
Term of office, &c.	In order to guarantee the independence and stability of the members of the commission, they shall remain in office during good behaviour and shall not be dismissed except for good and valid reasons, by a vote of two-thirds of the whole council.
Amendment of by-law appointing Commission.	The by-law providing for the appointment of the members of the commission cannot be amended without the assent of three-fourths of the members of the whole council.
Questions to be submitted to electors in September 1909.	<p>4. The city council shall, during the month of September next, submit to the municipal electors having the right to vote at an election for mayor in the manner provided in the charter and its various amendments, the following questions :</p> <p>“ 1. Are you in favour of the reduction of the number of aldermen from two to one for each ward ?</p> <p>“ 2. Are you in favour of a board of control elected by the people ?</p> <p>“ 3. Are you in favour of a commission of public works appointed by the city council ? ”</p>
How questions to be answered.	Each elector shall answer by marking a cross on his ballot paper opposite the words “ yes ” or “ no ” printed in the same opposite each question.
Consequences if first question answered in affirmative.	If the majority of votes given on the first question are in the affirmative, article 1 of this act shall come into force at the next general municipal elections. The said election shall take place in accordance with said article.
Or second question.	If the majority of votes given on the second question are in the affirmative, article 2 of this act shall come into force at the next general municipal elections, and the said election shall be held in accordance with said article.
Or third question.	If the majority of votes given in the third question are in the affirmative, article 3 of this act shall come into force at the next general municipal elections.
Or second and third questions.	If the majority of votes given on the second and third questions are in the affirmative, the article corresponding to the question which has obtained the greatest number of affirmative votes shall be the one to come into force.

The voting shall take place on the third Monday of September, 1909. Date of voting.

The polling places shall be open for the said referendum and shall remain open from nine o'clock in the morning till seven o'clock in the evening. Hours of polling.

C H A P . 83

An Act to remove from the plan of the city of Montreal the homologated lines of the continuation of Ontario Avenue and of the continuation above Sherbrooke street of Mountain street.

[Assented to 29th May, 1909]

WHEREAS The Terrace Land Company, Limited, has, Preamble.
by its petition, represented :

That it has acquired from the representatives of the late John Redpath the greater portion of lot seventeen hundred and fifty-five on the official plan and book of reference of St. Antoine ward of the city of Montreal, with a view to dividing the said property into building lots and dealing with and selling the same;

That all the land between the said homologated lines of the continuation of Ontario Avenue and very much the greater portion of the land between the homologated lines of the continuation above Sherbrooke street of Mountain street is the property of the company and that the said lines have so affected the land in question for upwards of thirty years and that the city has never taken any proceedings, whether by way of expropriation or otherwise, tending to the acquisition of the said land;

That the said company cannot effectively carry on its business namely, the laying out and developing the said property as aforesaid, until it be determined, whether such expropriation will be made or not;

That, therefore, it is expedient that the said city of Montreal do remove from the plan of the said city the homologated lines of the continuation of the said streets ;

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

1. The homologated lines of the continuation above Sherbrooke street, of Mountain street, and the north-westerly one hundred and twenty feet of the homologated lines of the con- Certain homologated lines removed.