

CHAP. 73

An Act to incorporate the town of Verdun

[Assented to 14th March, 1907]

WHEREAS the corporation of the village of Verdun has, Preamble.
by petition, represented that it is desirable that an act be passed to erect its territory into a town municipality, and has prayed to be incorporated as a town in accordance with the provisions of the Cities and Towns' Act, 1903, and to be given certain powers not granted by the said act and further to exclude certain of the provisions thereof ;

And whereas 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 :

1. The territory comprised within the limits hereinafter described, is erected into a town municipality under the name of the " Town of Verdun, " and the inhabitants of the said municipality are constituted a town corporation under the name of " Town of Verdun. "

2. The town shall be governed by the provisions of the act 3 Edward VII, chapter 38, Cities and Towns' Act, 1903, except in so far as the same may be derogated from by the present act or by such of its provisions as may be inconsistent therewith.

3. All *procès-verbaux*, assessment rolls, titles, by-laws, orders, lists, rolls, plans, resolutions, ordinances, agreements, provisions, engagements or municipal acts, whatsoever, presently in force in the village of Verdun, shall continue to have full force and effect until they are cancelled, amended, set aside or accomplished, or unless they are inconsistent with this act. Nothing in this act shall affect the rights of persons or companies having contracts with the said town or having acquired franchises therein.

4. The present officers of the council of the village of Verdun shall be and remain the officers of the town of Verdun until replaced by the council.

The first sitting of the council shall be held at 7.30 p. m. in the school house of the trustees of the said municipality.

Boundaries
of town.

5. The territory of the town of Verdun is comprised within the bounds and limits as shown on a certain plan of the village of Verdun, prepared by Joseph Rielle, P. L. S., dated 5th October, 1878, and homologated by the Superior Court, district of Montreal, Province of Quebec, on the 6th October, 1879, and more fully described as follows, viz : on the south-west, the river St. Lawrence, including the adjacent islands forming part of the present municipality of the village of Verdun ; on the north-west, the north-west limits of the Montreal aqueduct ; on the north-east, the city of Montreal ; and on the south-west, the parish of Lachine.

Isle St. Paul.

The island situated in the river St. Lawrence and known under the name of Isle St. Paul, shall be regulated and governed by the county council and by its officers, in the same manner as if the said island was a distinct municipality. The said island shall, however, as heretofore, form part of the Roman Catholic School Municipality of Verdun.

Wards of
town.
Their
boundaries.

6. The municipality is divided into four wards, designated as wards Nos. 1, 2, 3 and 4 ; the boundaries whereof shall be as follows :

Ward No. 1.

Ward No. 1.—On the south-east, the river St. Lawrence and the islands opposite thereto ; on the north-west, the north-west limits of the town ; on the north-east, the north-east limits of the town ; on the south-west, the centre of Regina Avenue to its intersection with the Lower Lachine Road, and thence in a northerly direction along the centre of the last mentioned road to the centre of Lighthall Avenue ; thence in a south-easterly direction along the centre of Lighthall Avenue to the southern boundary of subdivision 49 of official number 3402 of the parish of Montreal ; and thence along the said southern boundary of said lot to the river St. Lawrence.

Ward No. 2.

Ward No. 2.—On the south-east, the river St. Lawrence ; on the north-west, the centre of Verdun Avenue ; on the north-east, the south-west boundary of ward No. 1 ; on the south-west, the north-eastern boundary of the official number 4669 of the parish of Montreal.

Ward No. 3.

Ward No. 3.—On the south-east, the centre of Verdun Avenue ; on the north-west, the north-west limits of the town ; on the north-east, the south-west boundary of ward No. 1 ; on the south-west, the north-east boundary of lot official number 4669 of the parish of Montreal.

Ward No. 4.

Ward No. 4.—On the south-east, the river St. Lawrence and the islands opposite thereto ; on the north-west, the north-west limits of the town ; on the north-east, the north-east boundary of lot official number 4669 of the parish of Montreal ; on the south-west, the south-west limits of the town.

7. There shall be two aldermen for each of such wards. Aldermen.

8. The first general election shall be held on the first ^{First general}juridical day following the expiration of sixty days from the ^{election.} date of the coming into force of the present act.

The second general election shall be held on the first ^{Second do.}juridical day in the month of February, 1909, and the subsequent general elections are afterwards held every second year on the first juridical day of February.

9. The secretary-treasurer of the village of Verdun shall ^{Returning}be the returning-officer for the first general election. ^{officer.}

10. Article 107 of the Cities and Towns' Act 1903, subsec- ^{Id., art. 107}tion 8, is replaced for the town by the following : ^{amended.}

"8. Whosoever has no residence or principal place of ^{Disqualifica-}business in the municipality for at least twelve months pre- ^{tions.}vious to the election or nomination. Nevertheless, as respects the first general election only, one person domiciled in the city of Montreal may, if he possesses the other necessary ^{Proviso.}qualifications, be elected a member of the council of Verdun, provided always that he does not fill any municipal office in the said city of Montreal. In the event of more than one non-resident member being elected, the remaining members of the council shall determine by vote which of such aldermen shall retain his seat, and shall declare the remaining seat or seats vacant, and such vacancies shall be filled by means of another election.

11. Article 353 of the Cities and Towns' Act, 1903, is re- ^{Id., art. 353}placed, for the town, by the following : ^{replaced.}

"**353.** The council may impose, by any of the by-laws ^{Penalties}which may be enacted in accordance with the powers granted ^{that may be}to it, for every infraction of the by-laws, either a fine, with or ^{imposed by}without costs, or imprisonment; and, if a fine, with or ^{by-law.}without costs, may provide for imprisonment in default of immediate payment of such fine with or without costs, as the case may be, but except where it is otherwise provided in this charter such fine or imprisonment shall be in the discretion of the court, judge, recorder or justice, and, with the exception of the cases otherwise provided for, such fine shall not exceed forty dollars nor such imprisonment last more than two months; and where such imprisonment is ordered in default of payment of the fine or of the fine and costs, such imprisonment shall cease on payment of the fine or of the fine and costs.

Continued
infraction.

If the infringement of a by-law continues, such continuation constitutes a separate offence, day by day.

Costs.

The costs above mentioned include in all cases the costs connected with the execution of the judgment."

Id., art. 117
replaced.

12. Article 117 of the said act is replaced, for the town, by the following :

Name not to
be put on
voters' list
unless taxes
paid.

"**117.** No person qualified to vote as proprietor, tenant or occupant, is entitled to have his name entered on the electors' list for any of the wards of the municipality, who on the first December preceding the completion of the list, or in the case of the first general election, on the first March, 1907, is indebted towards the municipality for any taxes or water-rates (special taxes excepted)."

Id., art. 360
replaced.

13. Article 360 of the said act is replaced, for the town, by the following :

Adjournment
of poll.

"**360.** If, at five o'clock in the afternoon of the first day of the poll, the votes of all the electors present have not been polled, the meeting is adjourned to the hour of ten in the forenoon of the following day for the purpose of proceeding with the polling of such votes. The poll must be closed at five o'clock in the afternoon of the second day."

Id., art. 384
amended.

14. Article 384 of the said act is amended, for the town, by adding after paragraph 18 thereof, the following paragraphs :

Breeding,
&c., of swine.

"**18a.** To prevent the breeding, raising, keeping or feeding of swine in the town or any part thereof ; or to regulate, license or restrict the same, as the council may deem expedient ;

Keeping of
cattle, &c.

"**18b.** To determine the number of cattle that may be kept together in any place in the municipality, or to regulate the distances at which stables, cattle-sheds, or other like erections shall be situated from any dwelling or other buildings."

Id., art. 386.
amended.

15. Paragraph 3 of article 386 of the said act is replaced for the town, by the following :

Making and
maintenance
of certain
roads, &c.

"3. To oblige the owners of land situated on any road, street, square or public way, established in the municipality, to make and maintain in front of their property, or on the opposite side of the street or road, sidewalks and crossings of wood, stone or other material as provided, either throughout the whole municipality or only through a part thereof ; and to determine the manner of making and maintaining such sidewalks and crossings, and even make and maintain them at the expense of the municipality or by apportionment upon a portion of the municipality."

16. The following article is inserted in the said act, for the town, after article 395 : Id. art. 395a,
enacted.

“395a. The council may, by by-law, provide that the cost of the introduction of water ordered or made by the council in any street, lane, or public place or road in the municipality, shall be paid by the proprietors of real estate situated on each side of said street, lane or public place or road, by means of a fixed special tax in accordance with the frontage of such property ; and may also provide for the case of corner lots and determine the amount to be paid by the proprietors of such corner lots with reference to the frontage on intersecting streets.” Cost of water-
works how
paid.

17. The provisions of articles 298, 299, 300, 401 and the second paragraph of article 47 of the said act shall not apply to the town of Verdun. Id. certain
articles not to
apply.

18. Article 402 of said act is replaced, for the town, by the following : Id., art. 402,
replaced.

“402. The introduction of the water into houses or other buildings, shall be performed by and at the expense of the municipality ; but the distribution of the water throughout such houses or buildings, after being thus introduced into them, shall be made by and at the expense of the proprietors or occupants. Introduction
of water into
houses.

In all cases where such house or building stands at a distance from the line of the street, the municipality shall lay the distribution pipe to the line of the street and shall have the right to exact payment of the water-rate from the proprietor, although the latter may refuse or neglect to connect such pipe with his house or building. Laying of
distribution
pipe, &c.

The council may, however, provide by by-law that where the cost of the introduction of the water into any street, lane or public place or road, has been borne by the adjoining proprietors in accordance with the provisions of article 395a, the cost of introducing water into the house or other building on said street, lane or public place or road, shall be borne by the proprietor of such house or building, but the work shall be done by the corporation.” Payment of
cost by
owner.

19. Paragraph 17 of article 424 of the said act is replaced, for the town, by the following : Id., art. 424,
par. 17, re-
placed.

“17. To license and regulate persons plying as ferrymen to and from the municipality, and to establish a tariff of rates to be charged by such ferrymen.” License of
ferrymen &

Id., art. 424 amended.

20. Article 424 of the said act is further amended, for the town, by adding thereto the following paragraphs :

Outside persons soliciting orders, &c.

“24. To prevent all persons residing outside the municipality from, either personally or through employees, soliciting or taking orders for the delivery of goods, or offering such goods for sale without having previously obtained from the corporation the license required for that kind of business.

Tax on sales of certain bankrupt stocks.

“25. To impose and levy, by resolution or by by-law, by means of a special license, a sum not exceeding one hundred dollars on every person coming temporarily into the municipality to sell or cause to be sold therein any goods derived in whole or in part from a bankrupt stock, by public auction or private sale.”

Id. art. 470 replaced.

21. Article 470 of the said act is replaced, for the town, by the following :

Interest on taxes.

“**470.** Taxes bear interest at the rate of five per cent per annum, from the expiration of the delay during which they ought to be paid, without its being for such purpose necessary that a special demand of payment be made.

Taxes, &c., not to be remitted.

Neither the municipal council nor its officers can remit any taxes or the interest thereon, subject to the provisions of article 518.

Discount for prompt payment.

The council may, by by-law, provide for a discount to such persons as shall pay the taxes due by them on or before a date to be fixed by such by-law.”

Id. art. 475 replaced.

22. Article 475 of the said act is replaced, for the town, by the following :

Taxation of cultivated lands, &c.

“**475.** All land under cultivation, or farmed, or used as pasture for cattle, as well as all uncleared land or wood lots, within the limits of the municipality, shall be taxed for an amount not exceeding three-quarters of one per cent.

Addition to valuation roll.

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 which has been detached therefrom 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.

Tax limitation what to include.

The limitation of the rate of taxation referred to in this and the preceding article, shall be deemed to include any existing indebtedness.”

Id. art. 477 replaced.

23. Article 477 of the said act is replaced, for the town, by the following :

"**477.** The council may impose and levy an annual tax, Annual tax on stallions, &c. to be fixed by by-law, on every stallion kept for breeding, on every horse aged three years and over, on every bull kept for breeding, on every other head of horned cattle over two years of age, on every dog, and on every vehicle kept in the municipality including bicycles."

24. The following article is inserted in the said act, for Id., addition after art. 479. the town, after article 479 :

"**479a.** The amount of such annual dues or taxes shall Amount of business taxes. be fixed and determined by one or more by-laws of the municipality, and shall be fixed and determined by the council in its discretion. The amount so fixed may be different for each class of business, trade or craft."

25. Article 480 of the said act is replaced, for the town, Id., art. 480 replaced. by the following :

"**480.** Every special tax imposed under the preceding May be in form of license. article, as well as the tax mentioned in article 477, may, in the discretion of the council, be imposed and levied in the form of a license ; and thereupon such tax shall be payable annually, at such times and under such conditions and restrictions as the council may determine. It is not necessary that the persons liable for such taxes be mentioned in the valuation and collection rolls."

26. The following article is inserted in the said act, for Id., art. 485a, enacted. the town, after article 485 :

"**485a.** Every person, who, during the fiscal year, Amount payable if business begun after commencement of fiscal year. carries on or practises any kind of business, trade or occupation which renders him liable to the business tax, is bound to pay the whole of such tax unless the council remits any portion thereof on account of the short time to elapse before the end of the fiscal year."

27. Article 523 of the said act is replaced, for the town, Id., art. 523 replaced. by the following :

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

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

Signatures thereon. The signatures on such coupons may be lithographed, stamped, printed or engraved."

Id., art. 525 replaced. **28.** Article 525 of the said act is replaced, for the town, by the following :

Loans how made. " **525.** Loans, whether by the issue of bonds, obligations, or debentures or otherwise, are only made under a by-law of the council to that effect, approved by a majority in number and in real value of the proprietors who are municipal electors, and who have voted.

Promissory notes. Nevertheless the council may, by mere resolution, issue promissory notes payable at such place and on such terms and conditions as it may deem expedient, for the settlement of accounts or other current matters, provided that the total amount of such notes does not at any time exceed five thousand dollars."

Bonds to pay floating debt. **29.** For the purpose of discharging and consolidating the existing floating indebtedness and obligations set forth in schedule A hereto annexed, the council is hereby authorized to issue, by means of a by-law to that effect, bonds or debentures to the amount of thirty-five thousand dollars.

Need not be approved by rate-payers, &c. Notwithstanding sections 525 and 526 of the said Cities and Towns' Act, 1903, it shall not be necessary that such by-law be submitted to, nor approved by the rate-payers or any portion thereof, nor by the Lieutenant-Governor in Council.

Form of bonds. Such bonds or debentures shall be in the form prescribed by the Cities and Towns' Act, 1903.

Certain acts repealed. **30.** The acts 40 Victoria, chapter 41, 60 Victoria, chapter 69, and 62 Victoria, chapter 71, with the exception of section 3, and appendix A to the latter, are repealed.

Coming into force. **31.** This act shall come into force on the day of its sanction.

SCHEDULE A

To pay the sums due to the Imperial Bank of
Canada for notes under discount..... \$ 20,000 00

To pay the proportion due by the corporation for
the cost of water mains and sewers under by-
laws Nos. 50 and 51 of the village of Verdun. 15,000 00

\$ 35,000 00