

Application  
of id., 380, to  
town, lim-  
ited.

**5.** Article 380 of the Cities and Towns' Act, 1903, shall not apply to the said town otherwise than for the by-laws to be submitted to the approval of the electors.

Coming into  
force.

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

## CHAP. 52

### An Act to amend the charter of the town of Outremont

[Assented to 9th March, 1906]

Preamble.

**W**HEREAS the town of Outremont has, by petition, represented that it is in the interest of the proper administration of its affairs that certain amendments be made to its charter, and it is expedient to grant its prayer;

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

#### ELECTION OF COUNCILLORS

58 V., c. 55,  
arts. 11 to  
13, 19 and  
20, repealed.

**1.** Articles 11, 12, 13, 19 and 20 of the act 58 Victoria, chapter 55 are repealed.

R.S., 4229,  
replaced for  
town.

**2.** Article 4229 of the Revised Statutes is replaced, for the town, by the following:

Date for an-  
nual elec-  
tions.  
Nominat-  
ions.

The elections for the purpose of replacing councillors 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 nine o'clock in the forenoon to five o'clock in the afternoon on the third Monday of the same month. If either of such days be non-judicial, the nomination or voting, as the case may be, shall be postponed to the following judicial day.

R.S., 4230 to  
4246, 4248 to  
4264, 4268,  
4269, 4271  
and 4272, not  
to apply.

**3.** Articles 4230 to 4246 and 4248 to 4264, all inclusively, and articles 4268, 4269, 4271 and 4272 of the Revised Statutes, shall not apply to the town.

Certain  
articles of  
3 Ed. VII, c.  
38, to apply  
to election of  
councillors.

**4.** Articles 158 to 164, articles 166, 167, 168, 171, 172 and articles 174 to 181, 184 to 193, 196 to 222 and 224 to 253, all inclusively, with the forms relating thereto, of the Cities and Towns' Act, 1903, shall apply to the town, but only in so far as concerns the election of councillors, 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 town.

**5.** When the returning officer receives any nomination-paper he shall, after examining it, declare at once whether he considers it valid and affix his declaration to that effect by writing over his signature the word "accepted" or the word "rejected" with, in the latter case, the reasons for rejecting the same. Such nomination-paper may then be corrected or replaced by another nomination-paper, so long as the delay for such nomination has not expired.

Reception of nomination-paper by returning-officer.

**6.** The returning officer shall establish a poll for each polling district.

Polls.

**7.** Voting shall take place for each polling district in a room or building of easy access, having an outside door for the admission of electors and, if possible, another door by which they may go out after voting, and one or two compartments must be made in the room and so arranged that every voter shall be hidden from sight and shall mark his ballot-paper without interference or interruption by any person whomsoever; and a table or desk with a hard and even surface must be placed therein, so that the voter may mark his ballot-paper; and a suitable black lead-pencil must be supplied and kept properly sharpened the whole time of the voting for the use of the voters in marking their ballots.

Where voting to take place, &c.

**8.** The polls shall be opened at nine o'clock in the forenoon and remain open until five o'clock in the afternoon of the same day; and every deputy returning-officer is bound to receive during such time, in the poll assigned to him, in the manner herein after prescribed, the votes of the electors who are entitled to vote at such poll.

Opening and closing of poll.

**9.** As soon as possible after the expiration of the delay in which they should pay their taxes and assessments to qualify them to vote, the secretary-treasurer shall strike from the list of municipal electors, the names of those who have not paid their taxes and assessments, and such lists so amended shall be a proof of eligibility, until the coming into force of new lists.

Erasing of names on lists of electors of those who do not pay taxes, &c., before certain day.

**10.** Article 4270 of the Revised Statutes is replaced, for the town, by the following:

R.S., 4270, replaced for town.

The election expenses are defrayed by the corporation. The services of the returning-officer are gratuitous; nevertheless the council shall reimburse all just expenses incurred by him on account of the election, and may grant the deputy return-

Expenses of elections.

ing-officers and their poll-clerks and other persons employed in the holding of the election, a reasonable indemnity for their respective services.

#### POWERS OF THE COUNCIL

Certain by-law, No. 72, declared legal and valid.

**11.** Whereas by-law No. 72 of the town, granting to the Montreal Street Railway Company an exclusive franchise and exemption from taxes for thirty years, 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 whereas doubts have now arisen as to the right of the town to grant such exclusive franchise and it is expedient to remove such doubts; it is enacted that the aforesaid by-law No. 72 is hereby declared legal and valid and ratified to all intents and purposes.

Granting of exclusive franchises.

**12.** Saving vested rights, the town may grant exclusive franchises for a period not exceeding thirty years, provided this be done by by-law adopted and published according to the procedure governing by-laws respecting loans.

General election in certain event, in certain wards.

**13.** In the event of its availing itself of the powers conferred upon it by the act 58 Victoria, chapter 55, section 18, the council may, by by-law adopted by two-thirds of its members, order a general election for the wards whereof the limits have been so altered.

Retiring of councillors, &c.

**14.** Of the councillors so elected, one for each ward, having been designated by lot, shall go out of office, and shall be replaced at the following annual election; the same shall apply to the other councillors so elected until one only remains for each ward, so as to maintain the actual system of retiring from office.

#### TAXES

63 V., c. 55, s. 25, repealed.

**15.** Section 25 of the act 63 Victoria, chapter 55, is repealed.

R.S., 4555, replaced for town. Prescription of certain taxes.

**16.** Article 4555 of the Revised Statutes is replaced for the town by the following:

Proviso.

The right to recover moneys due to the town for annual, special or personal taxes 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 became due.

## PLANS OF THE TOWN

**17.** Section 53 of the act 58 Victoria, chapter 55, is repealed. 58 V., c. 55,  
s. 53, re-  
pealed.

**18.** For the purpose of opening or widening any street, lane or public place indicated on the said plans or maps, the town may, by expropriation, notwithstanding any law to the contrary governing the town, or by mutual agreement, acquire and take possession of all the immoveables situated within the limits of the town required for the opening or widening of the said streets, lanes or public places. The town 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; in any case the corporation 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. Expropria-  
tion for cer-  
tain pur-  
poses.  
  
When streets  
&c., to be  
opened, &c.

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

## CHAP. 53

An Act to incorporate the town of Notre Dame de Grâces

[Assented to 9th March, 1906]

**WHEREAS** the corporation of the village of Notre Dame de Grâces West has, 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 whereas it is expedient to grant the prayer of the said petition; Preamble.

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