

C H A P. 49

An Act to amend the charter of the city of Montreal

[Assented to 31st May, 1904]

WHEREAS the city of Montreal has, by its petition, re-
 presented that it is in the interest of the proper adminis-
 tration of its affairs that its charter, the act 62 Victoria,
 chapter 58, and the acts 63 Victoria, chapter 49, 1 Edward
 VII, chapter 43, and 3 Edward VII, chapter 62, amending
 the same, be amended, and whereas it is expedient to grant
 its prayer ;

Preamble.

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

1. Article 36 of the act 62 Victoria, chapter 58, is re-
 placed by the following :

62 V., c. 58,
art. 36, re-
placed.

“ **36.** No person can be validly nominated or elected as
 mayor or alderman, who is not a British subject, of the full
 age of twenty-one years, or if he has been declared guilty of
 a criminal offence by a court of justice and confined in the
 common gaol or penitentiary therefor, or who is in holy
 orders or a minister or a teacher of any religious denomina-
 tion, or a judge or clerk of any court, or member of the
 Federal or Provincial Government, or who has any contract
 with the city for the performance of any work, or who is
 surety for any such contract, or who, as an advocate, con-
 ducts a case against the city in any court of justice or in
 any expropriation proceedings, or who is a party to or
 interested in any suit against the city, or whose firm or any
 member thereof conducts a case against the city, or who is,
 directly or indirectly, interested in a cause, suit, or claim
 against the city, or who is in any way accountable for the
 city revenue, or in the employ of the city, or who is indebted
 to the city for taxes, assessments on real estate or water-
 rate, — special assessments for local improvements being
 excepted.”

Qualification
to be nomi-
nated or elect-
ed mayor or
alderman.

2. Article 45 of the act 62 Victoria, chapter 58, as re-
 placed by section 8 of the act 3 Edward VII, chapter 62,
 is again replaced by the following :

62 V., c. 58,
art. 45, re-
placed

“ **45.** Persons entitled to vote, as aforesaid, shall vote in
 and for the particular ward in which the property constitu-
 ting their qualification to vote shall be situated ; but, when
 any such person is qualified as owner, tenant or occupant
 in more than one ward, or as tenant in one ward, and at the

Where elect-
ors are to
vote.Where, for
alderman, if
qualified in
more than one
ward.

same time as owner or householder in any other ward, he may vote for the election of aldermen in any of the wards wherein he is qualified so to do, and he shall be entered once only on the list of electors for each of such wards.

Where for mayor, if qualified in more than one ward.

For the election of mayor, the elector shall vote only once, and, if he is qualified in respect of his residence, his vote shall be accepted at the polling place nearest his said residence, when his name on the list shall not be marked with the letter X, which the chairman of the Board of Assessors shall affix after the name of every elector qualified to vote in any other ward than that in which he is qualified to vote on account of his residing therein."

62 V., c. 58, art. 105, replaced.

Notice of voting.

3. Article 105 of the act 62 Victoria, chapter 58, is replaced by the following :

" **105.** Six days at least prior to the voting, the city-clerk shall give public notice of the time and places fixed for such voting; such notice shall specify, at the same time, the different polls established as well as the territorial limits of the polling districts, according to their respective numbers.

Contents of notice.

The said notice shall also indicate the names, domiciles and occupations of the persons nominated in the order in which they are or will be printed on the ballot-papers to be used at the polling, and the order of such names shall be alphabetical.

Publication of notice.

Such notice shall be given by means of posters posted up in the most conspicuous places in each polling district.

Publication of instructions to voters, &c.

The returning-officer shall, at the same time, publish and post up printed instructions for the guidance of electors in voting, and a list of the different polls and the places where they are situated."

62 V., c. 58, art. 227, amended.

Bribery in relation to a candidate.

4. 1. The first paragraph of article 227 of the act 62 Victoria, chapter 58, is replaced by the following :

" **227.** Every person shall be deemed guilty of bribery and shall be punishable accordingly who, to induce a person to allow himself to be nominated as candidate or to refrain from becoming a candidate or to withdraw if nominated having the qualification required to be legally nominated as candidate".

Pending cases.

2. This provision shall not apply to pending cases.

62 V., c. 58, art. 230, replaced.

Penalty.

5. Article 230 of the act 62 Victoria, chapter 58, is replaced by the following :

" **230.** 1. Any person guilty of any of the acts of bribery mentioned in articles 223, 226, 227, 228 and 229 shall be liable to a penalty of not less than \$200 nor more than \$400, and, in default of payment, of an imprisonment for not less than six months nor more than twelve months."

2. This provision shall apply to offences committed but not yet adjudicated upon. Offences not adjudicated upon.

6. Article 300 of the act 62 Victoria, chapter 58, as amended by the act 63 Victoria, chapter 49, sections 7 and 8, and by the act 3 Edward VII, chapter 62, sections 22 and 23, is further amended by replacing paragraph 82 by the following : 62 V., c. 58, art. 300, § 82, replaced.

“ 82. To compel persons owning or using steam-engines, steam boilers, factories, works, or other workshops or establishments, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishment, and to impose a fine, not exceeding one hundred dollars, for the violation of any by-law made under the provisions of this paragraph ; and to enact that, in default of immediate payment of the said fine and costs by the offender, he shall be condemned to an imprisonment not exceeding two months, unless the fine and costs shall have been paid before the expiration of such period, and a further fine not exceeding fifty dollars per day, for each and every day the offender shall continue in the violation of such by-law ;” Steam-engines, &c.;

7. Article 300 of the act 62 Victoria, chapter 58, as amended by the act 63 Victoria, chapter 49, sections 7 and 8, and by the act 3 Edward VII, chapter 62, sections 22 and 23, is further amended by inserting the following paragraphs therein : §§ added to 62 V., c. 58, art. 300.

“ 24a. To prevent peddlars or itinerant traders from plying their trade in the streets of the city ; Peddlars ;

“ 120. To protect members of the city fire brigade against accidents resulting from false fire-alarms, and to that end inflict an imprisonment, not exceeding six months or a fine not exceeding fifty dollars and costs or both penalties at once, and in default of payment of the said fine and costs, a further imprisonment, not exceeding three months for infringement of any by-law adopted under this paragraph ; False fire-alarms ;

“ 121 To prescribe the manner in which the numbers of licenses issued under this act shall be replaced, and the amount to be paid therefor, in cases where persons to whom they have been delivered declare that they have lost them ; to compel holders of licenses to take greater care of such numbers ; to impose a fine not exceeding two dollars in every case where the holders of licenses cannot prove the loss of a number by the oath of the person who is supposed to have lost it, and to prescribe that, where such proof is adduced, every number lost may be replaced by the city on Replacing of lost numbers of licenses ;

payment by the holder of the license of a sum not exceeding fifty cents, and that, in default of the payment of the fine above-mentioned, no duplicate number shall be delivered ;

Adulteration
of food, &c.

“ 122. In the interest of public health,—to prohibit the adulteration of any substance intended for food ; to prohibit the sale of any adulterated or unwholesome food, and order the confiscation or the confiscation and destruction thereof, as the case may be ; to define what constitutes food for the purposes of this paragraph, as well as what shall be considered an adulteration thereof ; to enact that a third offence against any by-law passed in virtue of this paragraph shall render the offender liable to imprisonment, not exceeding two months, at the discretion of the recorder, in addition to the usual penalty.”

Art. added
after 62 V.,
c. 58, art.
300a.

8. The following article is inserted in the act 62 Victoria, chapter 58, after article 300a, as enacted by the act 3 Edward VII, chapter 62, section 24 :

Stands on
markets.

“ 300b. Notwithstanding any law to the contrary, the council may, by simple resolution, authorize the market committee to establish, designate, change or abolish, from time to time, stands or places to be occupied by traders on the various public markets, with the exception of the Bon-secours market.”

Art. added
after 62 V.,
c. 58, art. 307.

9. The following articles are inserted in the act 62 Victoria, chapter 58, after article 307, as replaced by the act 63 Victoria, chapter 49, section 9 :

Continued in-
fractions of
by-laws, &c.

“ 307a. Notwithstanding any provision to the contrary, if an infringement of a by-law be repeated, such repetition shall, day by day, constitute, after summons or arrest, a separate offence and the offender is liable to the penalty provided for by the said by-law.

Prescription
of prosecu-
tions.

“ 307b. No prosecution for the infringement of a municipal by-law can be instituted after the expiration of six months counting from the date on which such infringement was committed.”

Art. added
after 62 V.,
c. 58, art. 344.

10. The following article is inserted in the act 62 Victoria, chapter 58, after article 344 :

Power to bor-
row sums not
borrowed each
year under
art. 344.

“ 344a. If the city has not, in the course of one or more years, not exceeding three, effected loans for the amount it is empowered to borrow every year under article 344, it may, in any subsequent year, in addition to the three hundred thousand dollars authorized for such year, borrow a sum not exceeding the amounts of the loans authorized but not contracted for such previous years.”

11. The following article is inserted in the act 62 Victoria, chapter 58, after article 346, as replaced by the act 3 Edward VII, chapter 62, section 30 :

“**346a.** Notwithstanding any provision to the contrary, the city may issue temporary bonds signed by the mayor and city treasurer, for the purpose of meeting the expenses authorized by article 344 as the same are incurred, pending the issue of bonds or debentures under article 345.

Such temporary bonds shall bear the certificate of the city comptroller, stating that they are issued in accordance with the provisions of article 344.”

12. The following article is inserted in the act 62 Victoria, chapter 58, after article 362, as replaced by the act 3 Edward VII, chapter 62, section 36 :

“**362a.** The exemption enacted by article 362 shall not apply to persons occupying, otherwise than in their official capacity, buildings or lands belonging to His Majesty or to the Federal or Provincial Governments which persons shall be taxed like other proprietors, lessees or occupants of immoveables, notwithstanding the exemption of such buildings or lands.”

13. Article 364 of the act 62 Victoria, chapter 58, as amended by the act 3 Edward VII, chapter 62, sections 37 and 38, is further amended by replacing paragraphs (j), (n), (o), (p), (q), (x) and (z), by the following paragraphs bearing the same letters respectively :

“(j) A special tax, not exceeding fifty dollars, on every person selling or offering for sale by retail any bankrupt stock or stocks exclusively, and a special tax, not exceeding one hundred dollars, on every person temporarily opening a shop or temporarily occupying any other premises to sell or offer for sale therein any articles or goods whatsoever ;

“(n) A special tax, not exceeding two hundred dollars, on every life, accident, or guarantee insurance company, doing business and taking risks in the city, and a special tax, not exceeding one hundred dollars, on every marine insurance company doing business and taking risks in the city. When any such insurance company combines two or more branches of any kind of insurance above-mentioned, one tax shall be levied upon such company, that is to say, the tax the rate of which is the highest on any of the said branches of insurance respectively ;

“(o) When a fire insurance company combines other branches of insurance an additional special tax shall be levied upon such company, that is to say, the tax the rate whereof is the highest on any of the said branches of insurance respectively ;

- Banks ; “(p) A special tax, not exceeding four hundred dollars, on every bank doing business in the city, with a paid up capital of one million dollars or less ; a tax, not exceeding five hundred dollars, on every such bank, the paid up capital whereof is more than one million dollars but does not exceed two million dollars, and a tax, not exceeding six hundred dollars, on every such bank, the paid up capital whereof is over two million dollars.
- Branches of banks ; Every such bank shall further pay a tax of one hundred dollars for every branch it has within the city limits ;
- Detective agencies ; “(q) A special tax, not exceeding one hundred dollars, on every detective agency, and a special tax, in the form of a license, not exceeding five dollars, on every constable not being in the exclusive service of the municipality, of the Government, or of railway or navigation companies ;
- Public, &c., scales ; “(x) Upon every public or private scale operated for a money consideration, a special tax not exceeding twenty dollars ;
- Dance-halls, &c. “(z) A special tax, not exceeding one hundred dollars, on every dance-hall or hall for theatrical representations, and a special tax, not exceeding fifty dollars, on every museum, concert hall or place of amusement whatsoever ;”.
- 62 V, c. 58, art. 364, amended. **14.** Article 364 of the act 62 Victoria, chapter 58, as amended by the act 3 Edward VII, chapter 62, sections 37 and 38, is further amended by adding thereto the following paragraphs :
- Automobiles, &c. “(bb) A special tax, not exceeding five dollars, on every automobile vehicle, or other vehicle not drawn by horses used exclusively for purposes of business or pleasure, and a special tax, not exceeding twenty dollars, on every automobile vehicle, or other vehicle not drawn by horses serving for the conveyance of travellers ;
- Advertizing vehicles ; “(cc) A special tax, not exceeding fifty dollars, on every carriage or other vehicle used for advertizing purposes ;
- Non-residents carrying on retail trade ; “(dd) A special tax, not exceeding twenty dollars, upon every person, firm, company and corporation not residing or having a place of business within the limits of the city, who shall come therein to carry on retail trade, or who therein shall cause to be delivered or delivers by waggons or vehicles goods so sold in the city ;
- Boot-blacking establishments ; “(ee) A special tax, not exceeding five dollars, on every boot-blacking establishment or stand ;
- Three horse vehicles, &c ; “(ff) A special tax, not exceeding thirty dollars, on every vehicle drawn by three or more horses not already taxed ;

“(gg) A special tax, not exceeding one hundred dollars, on every person or agent of a person or company not occupying any stall, store or warehouse, licensed for the sale of butcher’s meat, game or poultry, within the limits of the city, and taking orders for any one or more of such articles or for salted or smoked meat or pork or offering for sale one or more of such articles from door to door or from shop to shop ;

Street vendors of butcher’s meat, &c.;

“(hh) A special tax, not exceeding one hundred dollars, on all brokers who are members of the stock exchange, and on all other brokers or persons carrying on the stock exchange business, either as agents, correspondents or representatives of brokerage or exchange brokerage firms, except the members of the corn exchange.”

Stock exchange brokers.

15. Article 380 of the act 62 Victoria, chapter 58, is replaced by the following :

62 V., c. 58, art. 380, replaced.

“**380.** During the delays fixed by the said notices respectively, the board of assessors shall receive all complaints that may be brought before it, respecting any entries or omissions in the tax roll, or in the valuation and assessment roll, at the respective times and places announced by such notices, and may adjourn, from time to time, as may be necessary, to hear and determine such complaints, provided at least two day’s previous notice be given to the complainant, but it shall give its decision in the shortest delay possible, on or before the thirtieth of November.”

Complaints against rolls. &c.

16. The following article is inserted in the act 62 Victoria, chapter 58, after article 387 :

Art. added after 62 V., c. 58, art. 387.

“**387a.** The furniture, chattels or goods belonging to a rate-payer liable for the payment of the tax that are found in a business establishment are affected by privilege until the end of the then current year for the payment of the personal taxes imposed for such year, so long as they remain in the premises assessed, even though they change owner under a voluntary sale.”

Lien on furniture, &c., for personal taxes.

17. Article 399 of the act 62 Victoria, chapter 58, as replaced by the act 3 Edward VII, chapter 62, section 43, is again replaced by the following :

62 V., c. 58, art. 399, replaced.

“**399.** The notice to be given, as aforesaid, by the sheriff, may be in the form No. 29 ; it shall comprise as many immoveables as the sheriff has been required to sell, for the levying of the amount due to the city, with interest and costs.

Form of notice and what immoveables to be mentioned therein.

Description of immoveables in notice. In the said notice, it shall be sufficient to describe the immoveables by the cadastral number, or subdivision number of a cadastral number, of the immoveables on the official plan and book of reference, by adding the word "part," when such immoveable is only a portion of a lot having a cadastral number or subdivision number, and by adding the name of the street, and the civic number if there be one.

Schedule to be referred to therein. The sheriff shall nevertheless refer, in the said notice, to the schedule prepared by the city-treasurer, in accordance with article 396.

Publication in *Quebec Official Gazette*, &c. Before the day fixed for the sale, such notice shall be published twice during one month, reckoning from the first publication in the *Quebec Official Gazette*, and also twice in an English newspaper and in a French newspaper, published daily in the city, and it shall also be posted, at least fifteen days before the day fixed for the sale, on the property to be sold, but the posting of the notice shall not be compulsory in the case of the sale of vacant lots."

62 V., c. 58, art. 429, replaced. **18.** Article 429 of the act 62 Victoria, chapter 58, is replaced by the following :

Appointment of board of expropriation commissioners. **"429.** A board of expropriation commissioners shall be appointed for the purpose of ascertaining the compensation to be paid to the proprietor whose building or land is to be expropriated, and of determining, if need be, the rights of the city mentioned in the foregoing articles for the acquisition of the whole or part of the said buildings.

Composition of board. Such board shall consist of one of the recorders of the city, who shall be the president and convener of the said board, two of the assessors of the city to be named by the council, and two other commissioners, who shall be named by the Superior Court or a judge thereof upon a petition to that effect to be made by or on behalf of the city after notice given in the manner prescribed for public notices. The two latter commissioners shall be appointed upon the exclusive suggestion of the parties interested excluding the city.

No appeal from commissioners. There shall be no appeal from the decision of such commissioners."

62 V., c. 58, art. 430, replaced. **19.** Article 430 of the act 62 Victoria, chapter 58, is replaced by the following :

Contents of notice and of petition. **"430.** The notice of the aforesaid petition and the petition itself shall contain a description of the properties to be expropriated by indicating the cadastral numbers and, if possible, the civic numbers by referring to the official plan deposited in the office of the city surveyor.

The court or judge to whom such petition shall be presented shall fix a day on which the commissioners shall commence operations, and also the day upon which they shall make their report ; but such times respectively may be extended for cause by the court or judge, upon petition made by or on behalf of the city.”

When board to commence and complete operations.

20. Article 435 of the act 62 Victoria, chapter 58, is replaced by the following :

62 V., c. 58, art. 435, replaced.

“ **435.** The commissioners shall also hear and examine any claims of tenants or occupants or proprietors occupying their own immovables affected by such expropriation, and shall report and make awards thereon in accordance with the limitations and requirements set forth in the foregoing articles.”

Duties of commissioners as to tenants' claims, &c.

21. Article 436 of the act 62 Victoria, chapter 58, is replaced by the following :

62 V., c. 58, art. 436, replaced.

“ **436.** The city is not bound to pay the fees of counsel or witnesses or any incidental costs or disbursements, other than those hereinafter mentioned, for proceedings before the commissioners or before the courts, either for the appointment of commissioners or the homologation of their report or for the withdrawal on behalf of the persons indemnified of the sums of money deposited in the prothonotary's office.

Costs payable by city.

The commissioners, appointed by the court and by law, shall be entitled to fees as follows :

Fees of commissioners.

For appraising vacant immovable property, hearing witnesses, and making award : for each immovable.....	\$10 00
For appraising immovable property, containing buildings, hearing witnesses, and making award : for each immovable.....	\$15 00
For appraising tenants' claims : for each award....	\$10 00”

22. Article 533 of the act 62 Victoria, chapter 58, is replaced by the following :

62 V., c. 58, art. 533, replaced.

“ **533.** The city may print and publish a newspaper called the *Municipal Gazette of Montreal*.

Power to publish Municipal Gazette.

Whenever it is necessary that any public or special notice be given in virtue of the law in the newspapers, such notice, notwithstanding any statutory provision to the contrary, shall be published once only in French and English in the *Municipal Gazette*, and once in two French and in two English newspapers published in the city.”

Publication of notices.

23. The following article is inserted in the act 62 Victoria, chapter 58, after article 538 :

Art. added to 62 V., c. 58 after art. 538.

Insurance fund.

“ **538a.** The city may, by creating an insurance fund, insure itself against risks by fire, wholly or in part, in the discretion of the council, provided a sum, not exceeding five per cent. of the value of the buildings, as shown on the valuation roll, be entered every year in the estimates, be put aside, and capitalized as an insurance fund to be employed solely for that purpose.”

Widening of St. Lawrence from Pine Avenue to Mount Royal Avenue.

When to be made and how to be paid for.

24. The city shall, in accordance with a resolution passed on the 4th day of May 1904, widen Saint-Lawrence street from Pine Avenue to Mount Royal Avenue, at an approximate cost of two hundred and twenty-three thousand dollars.

This improvement shall be made in 1905 and paid for as follows : one half by the city and the other half by means of an assessment levied on all the proprietors of real estate on both sides of the said streets from Pine Avenue to Mount Royal Avenue in twenty annual and consecutive instalments with interest at five per cent. per annum payable annually from the date of the coming into force of the assessment roll.

3 Ed. VII, c. 62, s. 52, amended.

Widening of St. Andrew street.

How cost to be paid.

25. Section 52 of the act 3 Edward VII, chapter 62, is amended by replacing paragraph 2 by the following paragraph.

“ 2. To widen St. Andrew street, opposite numbers 888 and 884 and subdivisions 1, 5 and 6 of number 880 of the cadastre of St. James Ward, at an approximate cost of six thousand, seven hundred and forty-six dollars, according to the homologated plan.

The total cost of such widening shall be paid by means of an assessment levied upon proprietors of immoveables situate on each side of St. Andrew street, from the north side of de Montigny street to the south side of Sherbrooke street.”

3 Ed. VII, c. 62, s. 52, further amended.

Widening of ramp of Longueuil ferry.

How cost to be paid.

City authorized to enter into negotiations respecting same.

26. Section 52 of the act 3 Edward VII, chapter 62, is further amended by adding the following paragraph thereto :

“ 21. To widen the ramp of the Longueuil ferry, opposite lot No. 1596 of the cadastre of St. Mary's ward, at an approximate cost of three thousand, six hundred and twenty-eight dollars, according to a plan registered at the city surveyor's office within the twelve months next after the passing of this act.

The total cost of such improvement shall be paid by the city.

The city is further authorized by this act to enter into negotiations with the Montreal Harbor Commissioners, the Richelieu and Ontario Navigation Company and other interested parties, with regard to the share of each towards defraying the cost of such improvement.”

27. Sections 53 and 54 of the act 3 Edward VII, chapter 62, are replaced by the following : 3 Ed. VII, c. 62, secs 53 and 54, replaced.

“53. Except where the same may be inconsistent, the provisions of articles of the city charter 423 to 445, inclusively, and the amendments thereto, shall apply to the improvements authorized by section 52 of the act 3 Edward VII, chapter 62, and by its amendments. Law to apply to certain improvements.

Both as regards vacant lots or those that are built upon and as regards claims of owners or of lessees or occupants, the provisions of articles of the city charter 450 and 451 and the amendments thereto shall also apply to such cases, *mutatis mutandis*. Idem.

In no case shall more than twenty per cent. be allowed, over and above the municipal valuation of the ground and buildings, for each of the cases above-mentioned, notwithstanding any provision to the contrary. Percentage to be added to valuation.

“54. All sums of money derived from the sale of materials, buildings and lands expropriated shall, in every case, be employed in defraying, to the same amount, the cost of the improvement. Application of moneys arising from sales of land, &c.

Such sale may be made by public auction or by private contract. Sale how to be effected.

“54a. The city is authorized to take out, of the funds at its disposal and derived from various sources, the sums required for defraying the cost of the improvements.” Whence funds to be taken for such improvements.

28. Section 56 of the act 3 Edward VII, chapter 62, is amended by adding, after the words: “52 Victoria, chapter 79,” at the end of the first paragraph, the words: “as amended by the act 54 Victoria, chapter 78, section 11.” 3 Ed. VII, c. 62, sec. 56, amended.

29. The provisions contained in this act shall apply to the improvements authorized by this act and to the improvements authorized by section 52 of the act 3 Edward VII, chapter 62, which may be effected or continued subsequently to the coming into force of this act. Application of act.

30. The city is authorized to correct an error of calculation with regard to the expropriation of a property belonging to the Canada Life Insurance Company, in St. Peter street, according to which the total price to be paid for the expropriated property was entered as six thousand dollars instead of eight thousand dollars, to pay the difference and complete the expropriation on the basis so rectified. Correction of an error in calculation respecting expropriation in St. Peter street.

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