

Proposed by Alderman Laporte, seconded by Alderman Carter, that the said report be adopted.

Resolved that it be adopted

Certified a true copy.

L. O. DAVID,
City Clerk.

CHAP. 63

An Act to amend the charter of the city of Ste. Cunégonde of Montreal.

[Assented to 25th April, 1903]

WHEREAS the city of Ste. Cunégonde of Montreal has, Preamble.
by petition, represented that it is in the interest of the proper administration of the city that certain amendments be made to its charter, the act 53 Victoria, chapter 70 and the various acts amending the same; 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. Article 25 of the act 53 Victoria, chapter 70, as re- 53 V., c. 70,
placed by the act 2 Edward VII, chapter 50, section 5, is art. 25, re-
again replaced by the following: placed.

“**25.** The mayor is elected for three years by the vote of Election of
the electors, and no elector can vote more than once at such mayor by
election. The procedure to be followed for the election of electors.
mayor shall be the same as in the case of the election of Procedure to
aldermen, *mutatis mutandis*.” be followed.

2. Article 50 of the act 53 Victoria, chapter 70, is Id., art. 50,
replaced by the following: replaced.

“**50.** The committees are formed every year at the first Formation of
session in November.” committees.

3. Article 52 of the said act is replaced by the following: Id., art. 52,
replaced.

“**52.** The mayor and pro-mayor are *ex-officio* members Ex-officio
of all committees and have a right to vote.” members of
committees.

Id., art. 65,
replaced.

4. Article 65 of the said act is replaced by the following :

Decision of
questions.

“**65.** Every disputed question is decided by a majority of the votes of the members present, except in cases where the votes of two-thirds of the members of the council or of the members present are required.

When mayor
votes.

The mayor can vote only when the votes are equally divided.

When other
presiding-
officer votes.

In the same manner the pro-mayor or other member of the council presiding at a meeting of the council can vote only when the votes are equally divided.”

Id., art. 100,
replaced.

5. Article 100 of the said act is replaced by the following :

Annual ac-
counts, &c.,
in detail of
receipts and
expenditure
to be render-
ed by secre-
tary-treas-
urer.

“**100.** The secretary-treasurer or treasurer is bound to render an account in detail of his receipts and expenditure whenever he is called upon by the council to do so, and to submit to council every year, during the month of January over his signature and that of the auditors, a report covering all the financial transactions of the corporation during the twelve months, from the first of January to the thirty-first of December, each year.

Answers to
interrogato-
ries upon ar-
ticulated facts
and declara-
tion as gar-
nishee by
whom made
for city.

The secretary-treasurer, for and in the name of the city, may answer all interrogatories upon articulated facts served upon the corporation ; and the treasurer thereof shall have power to make the declaration required by law, for and in the name of the corporation, as garnishee, without being thereto authorized by resolution of the council of the city for that purpose.”

Id., art. 107,
replaced.

6. Article 107 of the act 53 Victoria, chapter 70, as replaced by the act 56 Victoria, chapter 53, section 5, and by the act 2 Edward VII, chapter 50, section 9, is replaced by the following :

Property
qualification
of mayor, al-
dermen and
assessors.

“**107.** No one can be elected mayor or alderman, or appointed assessor, nor act as such, unless he possess in the city for at least twelve months, as owner under registered title deeds, real estate to the value of at least one thousand dollars for the office of mayor, five hundred dollars for the office of alderman, and two hundred dollars for that of assessor, after deduction of all debts affecting such real estate, the value whereof shall be established according to the valuation roll in force.

Proof of
charges, &c.

The production of the registrar's certificate shall be sufficient proof of the existence of the charges and mortgages.”

7. Article 108 of the act 53 Victoria, chapter 70, is replaced by the following : Id., art 108, replaced.

"108. Should the mayor or an alderman exchange, transfer, or alienate in any manner the immoveable in respect whereof he is qualified, or mortgage or pledge the same in such manner as to affect his qualification, two duly qualified electors may present a petition to the council praying that the mayor or alderman, as the case may be, be put in default, within eight days, to establish his qualification, by giving in writing under oath and by depositing in the office of the council a declaration containing the description of the immoveable property in respect whereof he claims to be qualified to sit" Mayor and aldermen may be required to file declaration of property qualification, if they have disposed of that upon which they first qualified.

8. Paragraph 3 of article 132 of the act 53 Victoria, chapter 70, as replaced by the act 2 Edward VII, chapter 50, section 10, is again replaced by the following : Id., art. 132, § 3, replaced.

"3. Every citizen, although not a proprietor or householder, but who, either individually or jointly, as co-partner with any other person, is entered on the last assessment roll in force as the tenant or occupant of any warehouse, counting-house, shop, office or place of business in the city ; provided that such warehouse, counting-house, shop, office or place of business, if occupied by the said person individually be assessed at a value not less than three hundred dollars, or at an annual value of not less than thirty dollars ; or, if occupied by him as a co-partner, that his proportion or share thereof be not of less value than the amounts aforesaid respectively, according to the assessed value thereof. Partners being tenants and occupants qualified as electors.

Nevertheless, no citizen, with the exception of those having a place of business in the city, whose name has been entered on the list of electors as tenant only, shall vote at any election, if at the time of such election he be not a *bona fide* householder with his family in the city, although his name be entered on the list of electors." Proviso.

9. Article 135 of the act 53 Victoria, chapter 70, as replaced by the act 2 Edward VII, chapter 50, section 12, is again replaced by the following : Id., art. 135, replaced.

"135. Before the thirtieth day of September, in each year, the secretary-treasurer is bound to make, for each ward of the city, from the last assessment roll then in force, an alphabetical list of the persons qualified to vote at elections under this act, to be called the "list of electors," wherein he shall insert the names and surnames of the electors, and their occupation ; he shall also indicate, in a separate column, the nature of the qualification of such electors, whether as owners, occupants or tenants." List of electors when to be made and what to contain.

Id., art. 148, replaced. **10.** Article 148 of the act 53 Victoria, chapter 70, as replaced by the act 2 Edward VII, chapter 50, section 12, is again replaced by the following :

Term of office of alderman. **“ 148.** Aldermen are elected for three years in each ward by the majority of the votes of the municipal electors of the ward. The offices of aldermen for each of the wards of the city are designated by the numbers 1 and 2 respectively.”

Id., art. 151 to 153, replaced. **11.** Articles 151, 152 and 153 of the act 53 Victoria, chapter 70, as replaced by the act 2 Edward VII, chapter 50, section 12, are again replaced by the following :

When general elections are held: Next elections. **“ 151.** The general elections are held every three years in October
The next general elections shall be held in October, 1905.

When and where nomination of candidates to take place. **“ 152.** The nomination of the candidates for the office of mayor and alderman shall take place on the second Tuesday in October, between the hours of ten and eleven in the forenoon, in the office of the clerk in the city hall.

Polling when to be held. **“ 153.** When a poll is necessary, it is held on the third Tuesday of October, from the hour of nine in the morning to five in the evening.”

Id., art. 157, replaced. **12.** Article 157 of the act 53 Victoria, chapter 70, is replaced by the following :

Appointment of election-clerk and his duties. **“ 157.** The presiding officer appoints an election-clerk, according to Form G, to assist him in the performance of his duties relative to the elections ; and, if the presiding officer be absent or unable to act, the election-clerk performs the duties of the presiding officer and is liable to the same penalties.

Oath to be taken. The election-clerk is bound to take an oath to well and faithfully perform the duties of his office.”

Art added after id., art. 161. **13.** The following articles are inserted in the said act, after article 161 :

Duty of presiding officer on receiving nomination paper. **“ 161a.** After examining the nomination paper the presiding officer shall at once declare whether he considers it valid or not and write thereon over his signature the word : “ accepted ” or the word : “ rejected,” with, in the latter case, the reasons for such rejection.

Correction if necessary. The nomination paper may then be corrected or replaced by another paper so long as the delay for receiving the nomination papers has not expired. The receipt to be given by

Effect of receipt of nomination by presiding officer. the presiding officer, on being requested so to do, constitutes

sufficient evidence that the nomination paper and the written consent of the candidate have been duly filed and that the required amount has been paid.

"161b. Before handing the nomination paper to the presiding officer, each candidate shall pay to the city-treasurer a sum of one hundred dollars in the case of a candidate for the office of mayor, and a sum of fifty dollars in the case of a candidate for the office of alderman.

Payment by candidates to city-treasurer before handing in nomination paper.

Such sum is not liable to seizure and shall be repaid to the candidate elect or the candidate who, if not elected, has obtained at the poll at least one-third of the votes polled ; otherwise such sum belongs to the city.

Amount paid not liable to seizure and in certain event forfeited.

The deposit prescribed by this article is also forfeited if the candidate withdraws during the six days preceding the poll.

Forfeiture also of deposit in certain other event.

"161c. When two or more persons are nominated for the office of mayor or alderman and one of them dies before the close of the poll, the city-clerk is bound to begin the election proceedings over again without delay by giving the required notice and fixing the day for the nomination of candidates and for the polling, with an intermediate delay of ten days.

Duty of presiding-officer, if candidate die before polling.

In such case the deposit is repaid to the person entitled thereto."

Repayment of deposit in such case.

14. Article 173 of the said act is replaced by the following :

Id., art. 173, replaced.

"173. In all cases, the qualification required of electors is established by the list of electors, and if there be no such list, by the valuation roll."

Proof of qualification.

15. Article 176 of the said act is replaced by the following :

Id., art. 176, replaced.

"176. No one shall become a candidate in more than one ward."

Candidature.

16. Article 182 of the said act is replaced by the following :

Id., art. 182, replaced.

"182. If, within fifteen days next after that on which the general elections should have taken place, the aldermen have not complied with the preceding article, they and each of them are liable to a fine not exceeding twenty dollars.

Penalty on aldermen not complying with article 181.

In the latter case, it is the duty of the mayor in office, under a penalty of one hundred dollars, to fix the days of the election and to give the notice required by the preceding article."

Mayor's duty in such case.

Id., art. 201,
re-enacted.

17. The following article, which was contained in the act 50 Victoria, chapter 20, as article 201, and which was repealed by the act 56 Victoria, chapter 53, section 3, is enacted as follows :

Information
may be given
to elector by
deputy pre-
siding-officer.

“**201.** The deputy presiding officer alone may, and, if called upon, shall give the elector frankly and openly the necessary information to show him how to make his mark, but without the slightest indication of preference or suggestion.”

Id., art. 202,
and 202a, re-
placed

18. Articles 202 and 202a of the act 53 Victoria, chapter 70, as enacted by the act 2 Edward VII, chapter 50, section 14, are replaced by the following :

Oath may be
submitted to
persons pre-
senting them-
selves to vote.

“**202.** Nevertheless any elector presenting himself to vote, shall, before receiving his ballot paper, if thereunto required by the deputy presiding officer, the poll-clerk, one of the candidates, or one of their agents, or by any elector present, take, before being allowed to vote, the following oath or affirmation, and, under such oath or affirmation, in the case of the election of mayor answer in the affirmative to questions numbers 1, 2, 3 and 4, and in the negative to questions 5, 7 and 8 ; and in the case of the election of an alderman in the affirmative to questions 1, 2, 3 and 4 and in the negative to questions 6, 7 and 8 of the following form :

How ques-
tions to be
answered.

FORM OF OATH OR AFFIRMATION

Form of oath.

“ You swear (*or affirm, as the case may be*) to answer the truth and nothing but the truth to the questions which will be put to you ; So help you God :

1. Are you the person meant or intended to be meant by the name entered as follows (*name of the elector entered on the list*) on the list of electors for this polling subdivision ?

2. Are you a British subject ?

3. Are you still a *bonâ fide* householder, for yourself and for your family in this city (*This clause applies only to electors who are tenants and who have no place of business in the city.*)

4. Are you of the full age of twenty-one years ?

5. Have you already voted to-day at this election for mayor, at this or any other poll in the municipality ?

6. Have you already voted to-day at this election for alderman at this or any other poll in this ward ?

7. Has any promise been made to you or, to your knowledge, to your wife or to any of your relations, friends or

other persons, to induce you to vote or not to vote at this election ?

8. Have you received anything, either personally or through your wife or through any member of your family, or, in any other manner, to induce you to vote or not to vote at this election, or in relation to your vote at this election ?”

The person requiring the oath to be taken may declare that he desires only one or more of the questions which are enumerated in the above form to be put, and thereupon the deputy presiding officer shall put only such question or questions to the elector as shall have been so designated.

19. The following article is inserted in the act 53 Victoria, chapter 70, after article 218 :

Art. added after id., art. 218.

“ 218a. Every person who is entitled to vote in the ward in which the election is held, and who has been appointed deputy presiding officer, or poll-clerk or polling agent of one of the candidates at a poll other than that at which he has a right to vote, may, on demand, obtain from the presiding officer a certificate establishing his qualification as elector and authorizing him to vote at the poll where he is employed.

Certificate to be given authorizing voting in poll where employed in lieu of in poll where qualified.

On presentation of such certificate, such person if really and *bonâ fide* employed in a poll as deputy presiding officer, poll-clerk or polling agent of a candidate, may vote in the usual manner at such poll, instead of voting at the poll where he would otherwise have a right to vote. But the deputy presiding officer cannot, under a penalty of a fine of one hundred dollars for each infringement, allow more than two agents of each candidate to so vote under such certificate in the poll held by him.

Voting on presentation of certificate.

Penalty if more than two agents are so allowed to vote.

Mention shall be made in the poll-book, opposite the name of the elector, of the fact that such elector voted in virtue of this article on such certificate.

Entry to be made in poll-book.

Such certificate is given only on the written power of attorney of the candidate, and shall form part thereof and be filed with the other election documents.”

On what authority certificate to be granted.

20. Article 223 of the said act is replaced by the following :

Id., art. 223, replaced.

“ 223. Immediately after the close of the poll, which is at five o'clock in the afternoon, the deputy presiding officer, in the voting room, and in presence of the poll-clerk and of the candidates or their agents, or, in the absence of any one of the candidates or their agents, in the presence of at least three electors, opens the box containing the ballot papers, and proceeds to count the number of votes given for each candidate.”

When, where and by whom ballots are to be counted.

Id., art. 245, replaced **21.** Article 245 of the said act is replaced by the following :

Term of office of mayor. **"245.** The mayor remains in office from the moment he takes the oath of office until the election of his successor."

Id., art. 306, replaced. **22.** Article 306 of the said act is replaced by the following :

Right to vote on by-laws submitted for approval to electors. **"306.** No one is allowed to vote on such by-laws unless his name is entered on the last electoral list in force as a municipal elector and owner of immoveable property."

Id., arts 388a and 388b, repealed. **23.** Articles 388a and 388b of the said act, as enacted by the act 2 Edward VII, chapter 50, section 20, are repealed.

Arts added after id., art. 389. **24.** The following articles are inserted in the act 53 Victoria, chapter 70, after article 389 :

Regulate, &c., traffic in streets, &c. **"389a.** To regulate or prohibit traffic, sales, or the plying of any profession in or on the streets, lanes, sidewalks, public squares, yards and passages leading thereto.

Regulate, &c., use of bells, &c., noisy vehicles, &c. **"389b.** To regulate or prohibit the use of bells, chimes, whistles and other things producing a noise ; to regulate or prohibit the use of noisy vehicles in the streets and public roads of the city ; to prevent the crying or advertising in a loud voice of merchandise, produce or goods."

Art. added after id., art. 453. **25.** The following article is inserted in the said act, after article 453 :

Closing of streets, &c. **"453a.** The city may, by by-law, on the terms and conditions which the council shall deem expedient in the public interest, permit or order the closing of any street, lane or public road or square, and dispose of or lease the ground comprised in the street, lane, public road or square so closed ; but only on indemnifying the proprietor who shall suffer damages occasioned by the passing of such by-law.

Alteration of city plans thereafter. After such closing any judge of the Superior Court may, on a petition to that effect presented by the corporation, order that the duplicates of the city plans be altered or modified accordingly."

Id., art. 478, replaced. **26.** Article 478 of the said act is replaced by the following :

Appropriations for current fiscal year when to be made and what to provide for. **"478.** On or before the first day of January, the council shall vote the necessary means to meet the expenses of the current fiscal year by providing :

1. For the payment of the interest on the debt due by the city, and for such sum as shall be required during the year for the sinking fund ;

2. For the general and ordinary expenditure of the city ;
3. For the cost of contemplated improvements ;
4. For a reserve of not less than five per cent. on the gross revenue of the preceding year to be used exclusively to meet unforeseen expenditure."

27. Articles 654 and 655 of the said act are repealed. Id., arts. 654 and 655, repealed.

28. The city is authorized to open and prolong Dominion Street, provided that, in case it prolongs it beyond the line of the Grand Trunk Railway, the crossing of such line shall be made by a bridge or tunnel. Opening, &c., of Dominion street provided for.

29. Out of the sum of four hundred thousand dollars, which the city is authorized to borrow by by-law No. 98 of the council of the city of Ste. Cunégonde, passed on the fourth day of December, 1901, and ratified by the act of Edward VII, chapter 50, section 29, the city may pay a further sum of twenty thousand dollars for the same purposes as those for which it is authorized by the said act to spend seventy-seven thousand, five hundred dollars, to wit : to pay then existing engagements and contracts, paving, sewer connections, light and the erection of a municipal building. Application of part of sum authorized to be borrowed by by-law No. 98.

30. The following form is inserted in the act 53 Victoria, chapter 70, after form F. F. Form added after form F. F.

G

(See art. 157)

Commission of an election-clerk

To E. F., (*insert his occupation and residence*)

Know you that, in my capacity of presiding officer I have appointed and hereby appoint you to be my election-clerk, to act in that capacity according to law at the election to be held in the city of Ste. Cunégonde of Montreal under the provisions of the charter of the said city.

Given under my hand, at Ste. Cunégonde of Montreal, this day of the month of .
in the year 19 .

(Signature)

A. B.

Presiding Officer.

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