

Id., s. 79, replaced.
Power to acquire, &c, gas-works, electric light and power works, &c.

2. Section 79 of the said act is replaced by the following :

“ **79.** The city may also acquire, construct, maintain and operate any gas-works and any electric light and power works and plant for the lighting of the city, and may sell light and power in the city and adjacent parts. To that end the city may acquire and hold any water power and any property, right of way, servitude and usufruct within thirty miles of the city. The city may acquire the right of way for its poles or conduits by expropriation if necessary.”

Coming into force.

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

CHAP. 67

An Act to amend the charter of the town of St. Louis

[Assented to 25th April, 1903]

Preamble.

WHEREAS the corporation of the town of St. Louis has, by petition, represented that it is in the interest of the proper administration of the town that certain amendments be made to its charter, and whereas 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 :

59 V., c. 55, s. 11, amended.

1. The last paragraph of section 11 of the act 59 Victoria, chapter 55, as enacted by the act 63 Victoria, chapter 54, section 3, is replaced by the following clauses, which shall come into force only at the general elections of January, 1904, which shall be held under the provisions of this act as hereinafter set forth :

Division into and names of wards.

“ The town of St. Louis shall be divided into four wards respectively, called the East, Centre, West No. 1 and West No. 2 wards.

East ward described.

The East ward shall comprise all the territory situate to the east of the line at the rear of the lots from the west side of Cadieux street and continue to the boundaries of the town, with the exception of the parts of lots subdivisions seventy-four (74), one hundred and twenty-five, (125), one hundred and eighty-two, (182), two hundred, (200), two hundred and sixty-two, (262), and two hundred and seventy-seven, (277), of lot number one hundred and thirty seven, (137), of the cadastre of the incorporated village of Côte St. Louis.

The Centre ward shall comprise all the territory between the division line of the East ward and the middle of St. Lawrence street, from Mount Royal avenue to the northern boundaries of the town. Centre ward described.

The West No. 1 Ward shall comprise all the territory bounded on the north-east by the middle of St. Lawrence street, on the south-east by Mount Royal avenue ; on the south-west by the middle of Esplanade street from Mount Royal avenue to Belanger or Fairmont street ; and thence to the north-west by the lane between the lots on Waverley and St. George streets to Pacific street, and thence by Pacific street to Waverley street, and thence by the middle of Waverley and Ste. Claire streets to the parish of St. Laurent, including lot one hundred and four, (104) of the subdivision twenty-six (26) of lot number twelve (12) of the cadastre of the village of Côte St. Louis and lot number thirteen hundred and sixty-six (1366) of the subdivision of lot number eleven (11) of the said cadastre. West No. 1 ward described.

The West No 2 Ward shall comprise the remainder of the territory of the town of St. Louis, bounded as follows : by the West No. 1 Ward, the limits of the city of Montreal, of the town of Outremont and of the parish of St. Laurent. West No. 2 ward described.

Each ward shall be represented by two councillors.” Representation.

2. Section 13a of the act 63 Victoria, chapter 54, is replaced by the following : 63 V., c. 54, s. 13a, replaced.

“ 13a. No one can be nominated or elected or perform the duties of mayor or municipal councillor of the town of St. Louis, unless he has resided in the town throughout the year immediately preceding the nomination and unless, during the six months preceding the nomination day, he has had or possessed as proprietor, in his own name, immoveable property in the town, of the value of one thousand dollars, for the office of mayor and of four hundred dollars, for that of councillor, after payment and deduction all charges, hypothecs, general and special taxes on such immoveable property. Qualification of candidates for mayor and councillor.

For the purpose of such qualification, the valuation roll in force at the time of the election shall be final as regards the value. Valuation roll final as to value.

In the event of the mayor or councillor assigning or disposing in any manner whatsoever of the immoveable in respect whereof he is qualified or hypothecating the same in such manner as to affect the amount required to qualify him, two duly qualified electors may present a petition to the council, asking that the said mayor or councillor, as the case may be, be put in default and produce a detailed description of another immoveable, in respect whereof he may be qualified, and a certificate of the registry office Proceedings to be taken if mayor or councillor assigns, &c., property upon which he qualifies.

If such mayor or councillor establish that he owns other property.

establishing that, previously to the sale, transfer or mortgage, as aforesaid, such new immovable has been duly registered in his own name, as proprietor, and in default of his so doing within a delay of thirty days, his seat shall become vacant.

Effect of complying with article.

In the event of such mayor or councillor complying with this article within the said delay, he shall be considered as being and as having always been qualified to fill his office."

59 V., c. 55, s. 15, amended.

3. Section 15 of the act 59 Victoria, chapter 55, is amended by adding, after subsection 3, the following subsection thereto :

Tenant, &c., to be householder, &c.

"3a. The tenant or occupant must be a householder except the tenant or occupant of a store, farm, shop, office or place of business "

59 V., c. 55, s. 16, §§ 1 to 4, and ss. 17, 18, 19 and 20, replaced.

4. The first four paragraphs of section 16 of the act 59 Victoria, chapter 55, as amended by the act 61 Victoria, chapter 58, section 5, as well as sections 17, 18, 19 and 20 of the said act 59 Victoria, chapter 55, are replaced by the following :

Date, hour, and place of first general election.

"**16.** 1. The first general election after the sanction of this act, shall be held in January, 1904, the nomination to take place at the town-hall, between the hours of ten and eleven, on the third Tuesday of January, and the voting, if necessary, on the fourth Tuesday of January.

Subsequent general elections.

" 2. Thereafter, general elections for the whole municipal council shall be held every second year at the same date.

62 V., c. 58, to apply to nomination, voting and swearing in, &c., of mayor and councillors.

" 3. The elections shall be held, *mutatis mutandis*, as regards the nomination, voting and swearing in of the mayor and councillors elect, in accordance with the provisions of the charter of the city of Montreal, to wit: the act 62 Victoria, chapter 58, contained in articles 82 to 85, 87 to 91, and 94 to 284, inclusively, and in the forms annexed to the said act and bearing the numbers 1 to 6, and 8 to 22, inclusively, and in accordance with the following provisions and modifications.

Form 7 of 62 V., c. 58, replaced.

" 4. Form number 7 annexed to this act is substituted to the form bearing the same number 7 annexed to the charter of the city of Montreal.

Interpretation of words.

In the application of the articles and forms above mentioned to the elections to be held under the said act 62 Victoria, chapter 58, the words " the city ", " the city of Montreal ", " the city clerk ", " the aldermen ", shall be respectively replaced by " the town ", " the town of St. Louis ", " the secretary-treasurer, " and " the councillors, "

wherever such words may occur in any of the said articles and forms.

" 5. The secretary-treasurer of the town shall act as returning-officer for every election to be held under this act, and, in the application of the various articles relating to such election, the word "returning-officer" mean the secretary-treasurer of the town.

Secretary-treasurer to act as returning-officer.

" 6. Five days before the day fixed for the nomination in the year wherein the general election shall be held, the secretary-treasurer shall, by commission under his hand, in accordance with form number 4 of the act 62 Victoria, chapter 58, appoint a competent person as his election-clerk, to assist him in the performance of his duties; within the same delay, he shall give public notice of the hour and place at which the nomination of the candidates shall be held.

Appointment of election-clerk.

Notice of nomination of candidates.

The nomination of each candidate for the offices of mayor and councillor, is effected by means of a nomination paper, drawn up in accordance with form number 7 annexed to this act.

How nomination is effected.

" 7. With each nomination paper there must be filed :

Documents to be produced with nomination paper :

(a) A declaration from the candidate under oath before the secretary-treasurer or his deputy, establishing that he is a British subject and that he is duly qualified as required by article 13a, and containing a detailed description of the immoveable in respect whereof he is qualified, and establishing that such immoveable is duly registered in his own name, as owner, for at least six months ;

Declaration of candidate.

(b) A certificate from the secretary-treasurer or his deputy, establishing the value of the said immoveable, according to the valuation roll in force ;

Certificate establishing value of property.

(c) A certificate from the secretary-treasurer or his deputy, establishing that the candidate has paid all taxes, assessments on immoveable property and personal contributions, paid the instalments due on assessments for the construction of sewers and the interest thereon up to the last instalment ;

Certificate of payment of taxes.

(d) A receipt from the secretary-treasurer or his deputy establishing the deposit of the sum of two hundred dollars by the candidate for the office of mayor, and one hundred dollars by the candidate for the office of councillor.

Receipt for deposit required.

The nomination papers, as well as the declarations and certificates above-mentioned, must be handed to the returning-officer by the candidate or his representative within the delay indicated in the public notice provided for by paragraph 6 of section 4 of this act."

When nomination, &c., to be handed in.

When secretary-treasurer transmits returns to Provincial Secretary under R. S., 4347.

5. The secretary-treasurer transmits to the Provincial Secretary, between the 1st January and 1st March of each year, the statement required by article 4347 of the Revised Statutes, and the first paragraph of the said article 4347 is accordingly amended as regards the town of St. Louis.

R. S., 4298, amended for town.

6. The first paragraph of article 4298 of the Revised Statutes is replaced, for the town, by the following:

Sessions public.
Exception.

The sessions are public, except when the council has to judge the conduct of any of the members of its own body or any of its officers, or to grant tavern licenses, in which case it shall be lawful for the council to sit with closed doors.

59 V., c. 55, s. 26, amended.
Determine height of fences, &c.;

7. Section 26 of the act 59 Victoria, chapter 55, is amended by adding, after paragraph 7, the following:

“7a. Determine the height of line fences between neighbors. In default of the proprietor making such fences in the manner and delay prescribed by the council, the latter may, after special notice by an officer of the corporation, have the same made and charge the cost to the proprietor thereof;

Order removal of awnings, &c.;

“7b. Order the removal of awnings, signs, landings, staircases, porches, balustrades, galleries, buildings or other structures projecting upon the street or obstructing the public way at the cost of the proprietor or occupant; compel the latter to ask that the line of the public road be defined before building;

Order demolition, &c., of dilapidated walls, &c.;

“7c. Order the demolition and removal of any wall, chimney or building that may be dilapidated, in a ruined condition or threatening to fall, and determine at what time, by what means and at whose expense, such demolition and removal are to be effected;

Prevent sweepings, &c., from being thrown upon streets, &c.;

“7d. Prevent sweepings, filth, dirty water or other dirt from being thrown upon the public streets, lanes, alleys or parks, and order the removal thereof at the cost of the corporation or of the persons who have caused such nuisances;

Compel proprietors, &c., to remove snow, &c.;

“7e. Compel every proprietor or occupant of land situate on a street or public place to remove the snow, ice and filth from the sidewalk or the street in front of his land, even when the works on the streets are at the charge of the corporation, to remove the snow and ice from the roofs of buildings or edifices erected on the streets, and order the removal of such nuisances by the officers of the corporation at the expense of the proprietor or occupant, in the event

of refusal or negligence on his part. Upon the cost of each work being reported by the inspector of the town, the secretary-treasurer may assess the amount thereof upon the owners or occupants in default, proportionately to the extent of the frontage of their property ; the amount of the assessment shall constitute a tax in the same manner as ordinary taxes ;

“ 7f. Prevent the obstruction of sidewalks, roads and public places ;

Prevent obstruction of sidewalks ;

“ 7g. Prescribe the manner in which stoves, grates and stove pipes shall be placed, and chimneys, furnaces and ovens of all kinds shall be made, and regulate the use thereof ;

Prescribe how stoves, &c., to be placed, &c. ;

“ 7h. Regulate the conveyance of goods in the public streets of the town, as well as the width of the tires of vehicles used for the conveyance of loads, goods and wares ; regulate or prevent heavy traffic, funerals, droves of cattle, sheep, swine and other animals passing on certain streets and crossing certain places designated by the council ;

Regulate conveyance of goods through streets, &c. ;

“ 7i. Prevent the building of terraces of houses on certain streets determined by the council, in order to preserve the natural beauty of the site, and determine the kind of houses to be erected in such streets ;

Prevent building of certain kinds of houses on certain streets, &c. ;

“ 7j. Prevent proprietors whose properties front on certain streets specified by the council from building houses less than two and a half stories in height ; compel such proprietors to build in brick, stone, or wood lined outside with brick, and forbid any person from building in any place within the territory of the municipality, any houses less than two and a half stories in height unless, however, such new houses be cottages ;

Prescribe style, &c., of houses to be built on certain streets, &c. ;

“ 7k. Prevent the continuation of works not in accordance with the by-laws passed for the purpose of carrying out the above provisions ;

Prevent works not carrying out provisions ;

“ 7l. Regulate second-hand stores, grant licenses and pass regulations regarding auctioneers, pawnbrokers, second-hand dealers, and compel all such persons to keep a register of their operations and to render an account thereof ;

Regulate second-hand stores, &c. ;

“ 7m. Prevent the erection or maintenance of stores, shops, stalls, factories, kiosks or other buildings whatever for industrial and business purposes in certain streets, and avenues of the municipality, and prevent any trade or industry, hotel or restaurant from being established in the streets or avenues ;

Prevent erection of stores, &c., in certain streets ;

Regulate planting, &c., ornamental trees, &c. ;

“ 7n. Regulate the planting, cultivation and preservation of ornamental trees on the streets, squares and parks of the town ; compel proprietors to plant trees in front of their properties, (except in front of business houses), under the direction of the inspector of the town ; provided the council shall not exercise such power unless the proprietors of more than one half of the lots fronting on the street or part of the street, on which it is proposed to plant trees, have asked the council for the same ; authorize the said inspector to have such trees planted and exact the cost thereof from the proprietor, if the latter refuses or neglects to comply with his order ; punish those who damage ornamental trees or shrubs in the streets, parks and public places of the town ;

Require submission of plans of subdivisions of property to council ;

“ 7o. Compel the proprietor or proprietors of land to submit to the approval of the council, every plan of a subdivision before depositing the same in the office of the Minister of Lands, Mines and Fisheries ;

Prevent opening of streets, &c. ;

“ 7p. Prevent the proprietor or proprietors of land from opening on their land any street or making any subdivision, change of street or subdivision without the previous approval of the council ;

Establish pounds.

“ 7q. Establish pounds whereof the council shall have the superintendence and control ; prevent horses, mules, cattle, swine, sheep, poultry and other animals from wandering on the streets, public places, vacant lots or unfenced lots ; authorize the seizure and sale thereof, and determine the amount of the fine for the impounding of such animals ;

Secs. added after 59 V., c. 55, s. 46.

S. The following sections are inserted in the act 59 Victoria, chapter 55, after section 46 :

Interpretation of word “ parsonage.”

“ **46a.** The word “ parsonage” shall comprise the whole of the premises occupied as a dwelling by the officiating priest or minister of any church in the town, provided the whole building occupied by such priest or minister is to be for his own exclusive use, and that the exemption shall apply to only one parsonage for each church.

Valuation roll may be made every second year.

“ **46b.** Notwithstanding article 4498 of the Revised Statutes, the council may, by resolution, order the valuation roll to be made only every second year, provided the said roll be made during the year preceding the general election, and that such roll be revised during the year in which such election shall be held.”

9. The following sections are inserted in the act 59 Victoria, chapter 55, after section 44e, as enacted by section 11 of the act 63 Victoria, chapter 54 :

“44f. The town shall have a recourse in warranty against any person through whose fault or negligence an accident shall have occurred, and for the damages resulting therefrom.

Secs. added after 59 V., c. 55, s. 44e.
Town's recourse in warranty.

“44g. Every person who, in any street whatever, makes excavations or causes obstructions, not authorized by law or by the by-laws of the town, and who renders such street dangerous for traffic, or who, through neglect in the manner of effecting the excavations or obstructions which have been authorized, or through not surrounding the same with railings and placing lights thereon, obstructs such street or renders it dangerous for traffic, shall be responsible for all damages resulting from such obstructions or negligence; and no action can be maintained against the town for damages, unless such person has been brought into the suit, if the plaintiff be thereunto required by the town, which shall give the names, residence and quality of such persons.

Persons making excavations, &c., in streets, &c., responsible for all damages occasioned thereby.

“44h. The corporation is authorized to sue for the recovery of sums due both for school taxes and monthly contributions and for arrears of such taxes, in the municipality, by suit in the name of the corporation at the same time as the municipal taxes due to the town.

Suits for school taxes and monthly contributions.

“44i. On Park Avenue, between Mount Royal Avenue and Bernard Avenue, all the houses and buildings shall be built of solid brick or stone with a front of pressed brick, and be not less than two and a half stories high, and not less than ten feet from the homologated line of the street, and no one shall be allowed to build or keep therein any shops, stores, factories, hotels or restaurants of any kind whatever.

Style of houses, &c., on certain streets, &c.

On Mount Royal Avenue, between Esplanade street and Côte Ste Catherine road, all the houses and buildings shall be erected at a distance of five feet from the homologated line, and be of at least two and a half stories in height.

Distance of houses from line of certain streets.

With the view of complying with the requirements of the two foregoing paragraphs, the council may purchase or acquire any house, building or structure already erected on any of the above-mentioned avenues, either by mutual agreement between the town and the proprietors or by expropriation.

Council may purchase any houses within such distance.

Penalty that may be attached to infringement of by-laws.

“**44j.** The council may, by by-law passed under the provisions of its charter, order the infliction of penalties by fine not exceeding forty dollars, or by imprisonment, not exceeding two months, at the discretion of the court, with the object of carrying out any such by-laws.

R. S., 4560, § 1, not to apply to town.

The first paragraph of article 4560 of the Revised Statutes shall not apply to the town of St. Louis.

Suit for school and municipal taxes.

“**44k.** The payment of municipal and school taxes may be claimed by action in the name of the corporation before the Circuit or the Superior Court.

Provisions respecting certain special assessments for construction of certain sewers.

“**44l.** The special assessments imposed by the town of St. Louis for the construction of sewers in that portion of the territory of the town comprised between Mount Royal, St. Urbain and Boulevard streets and Mount Royal avenue shall be exigible, in so far as regards the lots still belonging to the Government of the Province of Quebec, only from the date of the alienation of each of such lots respectively by the Government; and the payment of the interest on such assessments due prior to the date of each of such alienations, cannot be exacted.

Further provisions.

If, however, on the 30th September, 1903, there should still remain lots not disposed of by the Government, the taxes thereon shall be exigible from and after that date, but, together with the interest accrued since that date, they may be collected from the purchasers thereof only.

Arrangements may be made with Montreal Exposition Company respecting cost of sewers.

“**44m.** Notwithstanding the by-laws in force in the municipality, the council of the town of St. Louis may make any agreement it may deem expedient with the Montreal Exposition Company with reference to the cost of the sewers, and make and order such allotments as may be in conformity with the agreements entered into.

Hospitals not to be built within the town or within certain radius of the town.

“**44n.** No hospital, whether temporary or permanent, for the reception and treatment of persons suffering from contagious, epidemic or endemic diseases, shall be built within the limits of the town or within a radius of half a mile thereof, without the consent of the municipal council.”

Provisional appropriations.

10. Every year during the first week of December, the finance committee shall vote provisional appropriations for the ordinary current expenses of the town for the period of the fiscal year between the first of January and the date when the appropriations are voted, as hereinafter enacted; such provisional appropriations, when once approved by the council, shall remain in force until the appropriations lastly mentioned are voted.

Thereafter, on or before the first of April, the council shall vote the necessary amount to meet the expenses of the current fiscal year by providing :

1. For the payment of the interest on the debt of the town ;

2. For the general and ordinary expenses of the town ;

3. For the sums required for projected improvements, not chargeable to capital ;

4. For a reserve fund of not less than five per cent. on the gross receipts of the previous year, which shall be used, exclusively, in meeting unforeseen expenses of ordinary administration.

The amount so set apart shall never exceed the amount of the revenue of the previous year added to the balance of the said revenue remaining unexpended.

The council shall not expend any sum beyond the total amount so set apart, except in the cases and under the conditions hereinafter mentioned ; but it may, at any time, alter the destination of sums appropriated by the committee and apply them to any other destination within the jurisdiction of any committee.

Every member of the council who approves the expenditure of a sum of money, beyond the amount so appropriated and the sums at the disposal of the council or of any committee under the foregoing provisions, shall be personally liable therefor.

In case of urgent necessity, either for the purpose of meeting judicial obligations or for any other unforeseen or uncontrollable cause, the council may procure the necessary funds to meet such obligations by such means as it may deem expedient.

11. Section 66c of the act 59 Victoria, chapter 55, as enacted by the act 61 Victoria, chapter 58, section 10, and replaced by the act 63 Victoria, chapter 54, section 16, is replaced as follows :

“66c. The town of St. Louis shall expropriate that portion of St. Laurent street, west side, between Mount Royal Avenue and St. Louis street, on or before the first of May, 1904.”

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

Permanent appropriations and what to cover.

Limit of appropriations.

Sums apportioned not to be exceeded.

Proviso.

Members of council to be responsible for excess of expenditure.

Unforeseen, &c., expenditure.

59 V., c. 55, s. 66c, replaced.

Expropriation of certain property when to be effected,

Coming into force.

FORM No. 7

(Form mentioned in section 4, paragraph 4)

NOMINATION PAPER

Town of St. Louis.....Ward, Seat No.....

We, the undersigned, electors of.....ward, of the town of St. Louis, hereby nominate..... No.....street, candidate at the election to be held for the office of mayor (or of councillor for seat No..... of the said ward, as the case may be) of the town of St. Louis.

In testimony whereof we have signed, at the town of St. Louis, this.....day of.....19 .

NAMES.	OCCUPATION.	QUALIFICATION (Giving the electoral franchise).	RESIDENCE.

Signed by the said electors in presence of.....
.....
(Signature).....

I, the said.....mentioned in the above nomination paper, consent to such nomination.

In testimony whereof, I have signed, at the town of St. Louis, the.....day of.....19 .

Signed by the said..... }
in presence of..... } (Signature).....
(Signature).....

