



63 VICTORIA

CHAP. 49

An Act to amend the act to revise and consolidate the charter of the city of Montreal

[Assented to 23rd March, 1900]

WHEREAS the city of Montreal has, by petition, Preamble.
represented that it is expedient to make certain
amendments to the act 62 Victoria, chapter 58, to revise
and consolidate the charter of the city of Montreal, and it
is expedient to grant its prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Paragraph (d) of article 1 of the act 62 Victoria, 62 V., c. 58,
chapter 58, is replaced by the following : art. 1, § (d),
replaced.

“(d) The words ‘city-clerk,’ ‘city-treasurer,’ ‘city comptroller,’ or ‘comptroller or auditor of the city,’ ‘city-surveyor,’ or ‘city building inspector,’ shall mean the clerk, treasurer, Interpreta-
tion of words.
comptroller or comptroller or auditor, the surveyor and the
inspector of buildings of the city of Montreal or their assistants or any persons duly authorized to replace them.”

2. Article 47 of the said act is amended by striking out Id., 47,
amended.
paragraph 5.

3. Article 48 of the said act is replaced by the following : Id., 48, re-
placed.

“**48.** No person qualified to vote as proprietor, tenant Payment of
taxes a con-
dition pre-
cedent to
the right to vote.
or occupant, shall be entitled to have his name entered on
the

the electors' list for any of the wards of the city who, on the 1st December preceding the completion of the list, shall be indebted towards the city for taxes or water-rates.

Proviso.

This article shall deprive the proprietor of the right to have his name entered on the list only for the ward wherein such taxes have become due."

Id., 61, replaced.

4. Article 61 of the said act is amended by striking out in the sixth line of the English version the word "not," so that such article shall hereafter read as follows :

Copy of list to be delivered to city-clerk and to city-treasurer.

"**61.** On the first of December, the chairman of the board of assessors shall deliver to the city-clerk the certified electors' list, which shall be, on the same day, delivered by the latter to the city-treasurer.

Entries to be made on list by that officer.

That officer shall examine it and indicate thereon such electors as are disqualified under article 48, by writing in red ink, opposite their respective names, in the column reserved on the said list for remarks, the letters T. P. or T. E., as the case may be, which shall bear his initials or his seal, the said letters respectively meaning : T. P.—*taxe personnelle*, personal tax, and T. E.—*taxe de l'eau*, water tax ; according as the said electors were indebted for personal tax or for water tax on the first December.

List to be sent to clerk.

On or before the twentieth December, the city-treasurer shall deliver the electors' list verified as aforesaid to the city-clerk, who shall keep the same in his office, where it may be examined by the parties interested until finally revised."

Id., 222, replaced.

Corrupt practice defined.

5. Article 222 of the said act is replaced by the following :

"**222.** Any act or offence punishable under any of the provisions of articles 223, 224, 226, 227, 228, 229, 231, 232, 233, 235, 236, 237, 238, 239, 240, 242, 243, 245, or 247, as well as the payment of money or other valuable consideration, made to any elector to engage him to work, or for working or for having worked as a canvasser, provided the same is made with a corrupt intent, shall be a corrupt practice within the meaning of this act."

Id., 283, replaced.

6. Article 283 of the said act is replaced by the following :

Judgments on petitions subject to review before Superior Court in review.

"**283.** The judgment rendered on a petition under this act shall be subject to revision before the Superior Court sitting in review ; the case shall be there heard as a privileged case and shall have precedence over all other cases ; the judgment of the court of review shall be final."

7. Paragraph 41 of article 300 of the said act is replaced Id., 300, § 41, replaced. by the following :

“41. To inspect milk and to prohibit the use, sale, and exposure for sale of milk which is unhealthy, infected with germs of disease or otherwise dangerous to health, and to authorize the seizure and confiscation thereof ; to inspect and regulate dairies, stables and cow sheds situate within the limits of the city, whence the milk sold in the city comes ; to inspect and regulate the premises in which milk is sold ; to compel milkmen selling milk in the city to employ the methods of transport and treatment of milk most suitable for protecting it against contamination and to ensure the purity thereof ; to grant licenses to milkmen selling milk in the city ; to refuse such licenses to milkmen who do not comply with the law or the by-laws of the city respecting milk, as well as those of the Board of Health of the Province, and to suspend or annul such licenses for infringements of the law and by-laws, in addition to any other penalty.” Dairies, &c.

8. Paragraph 51 of article 300 of the said act is replaced Id., 300 § 51, replaced. by the following :

“51. To provide for and compel the reporting and recording of all births and deaths in the city ; to compel the physician, midwife, the father, mother or other person, present at the birth of a child, to make a declaration of such birth, within the following eight days, to the board of health of the city, and to authorize the city to pay a sum not exceeding twenty-five cents for each such declaration.” Births, deaths, &c., to be recorded, &c.

9. Article 307 of the said act is replaced by the following : Id., 307, replaced.

“307. The council may impose, by any by-law which may be enacted in accordance with the powers granted to it by this charter, for every infraction of such by-laws either a fine with or without costs or imprisonment ; and if a fine with or without costs, may provide for imprisonment in default of immediate payment of such fine with or without costs according to the circumstances ; but save where otherwise expressly provided in this charter, such fine shall not exceed forty dollars and such imprisonment shall not be for a longer period than two calendar months ; and, where such imprisonment is ordered in default of payment of the fine, or of the fine and costs, it shall cease on payment of the said fine or fine and costs.” Penalties which may be imposed by by-laws.

Art. added after id., 334. **10.** The following article is inserted in the said act after article 334 :

Further application of reserve fund. **"334a.** The reserve fund may also be employed to pay claims for damages arising from offences or quasi-offences."

Id., 361, replaced. **11.** Article 361 of the said act is replaced by the following :

Immoveable property liable to taxation. **"361.** All immoveable property situated within the limits of the city of Montreal shall be liable to taxation and assessment, except such as may be hereinafter declared exempt therefrom.

What immoveable property shall comprise. Immoveable property shall comprise lands, buildings erected thereon or other property so fixed or attached to any building or land so as to form part thereof, but shall not include industrial machinery, tools and shafting, save only such as is employed for the purpose of producing or of receiving motive power ; and also all pipes, poles, wires, rails, tunnels and other constructions and apparatus of every nature used to produce or distribute for public use, motive power, light, heat, water, electricity, or for traction purposes, constructed or placed thereon, over or under property, streets, highways or elsewhere within the limits of the city.

Amount of assessment on immoveables. The council may make by-laws to impose and levy, on taxable immoveable property in the city, an assessment not to exceed one per cent. of the assessed value of such property according to the valuation roll ; such assessment shall be a charge upon the immoveable property, and the owner thereof shall be personally liable therefor."

Property and owner liable therefor.

Id., 447, replaced. **12.** The fourth clause of article 477 of the said act is replaced by the following :

Salary of other recorder. **"The salary of the other recorder shall be four thousand dollars per annum."**

Id., 546, replaced. **13.** Article 546 of the said act is replaced by the following :

Mount Royal Park to be kept as a public park. **"546.** The city shall, in perpetuity, preserve and maintain the whole of Mount Royal Park, according to its present limits, as a public park ; and the city council shall not have power to alienate any part of the said park for the exercise of any special rights, privileges, or franchises thereon, nor shall the council permit the laying of any tracks, poles, wires or electrical apparatus, for steam, electric, or traction purposes, by any person or corporation, notwithstanding any special powers of expropriation or other powers, granted by any general

or special statute to the city of Montreal, or to any person, municipality or corporation, save in so far as such special statute may expressly derogate from the provisions of this article.

The city is, however, empowered to dispose, upon such terms and under such conditions as the council may decide, of that part of Mount Royal Park which is bounded on the North by Duluth Avenue, on the South by Pine Avenue, on the East by the property of the Hotel-Dieu, and on the West by Park Avenue.

Power to dispose of certain part of Mount Royal Park.

Nevertheless the city shall have the right to renew the privileges now granted to the Mount Royal Park Incline Railway. The city shall, however, have the right to appropriate in the manner prescribed for similar matters according to the civil law."

Privileges of certain railway may be renewed however.

14. The city is authorized to vote to the widow of the late recorder B. A. T. de Montigny a bonus not exceeding five thousand dollars, which shall be taken from the reserve fund.

Bonus to Mrs. de Montigny.

15. This act shall be deemed to form part of the act which it amends.

Act to form part of amended act.

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

Coming into force.

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