



63 VICTORIA

CHAP. 53

An Act to amend the charter of the town of Maisonneuve

[Assented to 23rd March, 1900]

WHEREAS the town of Maisonneuve has, by its petition, prayed that certain amendments be made to its charter, and it is expedient to grant its prayer : Preamble.

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

1. Article 10 of the act 61 Victoria, chapter 57, is replaced by the following : 61 V., c. 57
art. 10, re-
placed.

“ 10. Every person shall be a municipal elector, and as such shall have the right to vote at the election of mayor and councillors, and to exercise all the rights and privileges conferred on municipal electors by the provisions of this act, who, at the time he exercises such rights and privileges, fulfills the following conditions : Qualification
of an elector.

1. He must have attained the age of majority and be a British subject ; British sub-
ject.

2. He must have been in possession, in the municipality, during the preceding six months, either in his own name or in the name and for the benefit of his wife, or as an institute in a substitution, or usufructuary, as appears by the valuation roll in force, as proprietor of real estate of the actual value of at least one hundred dollars ;—if the property belong jointly to several owners, each of them shall be entitled to a vote by reason of his share, provided that, according to the value of the property entered on the valuation Proprietor,
&c., of certain
property, &c.

roll, the share of each be at least one hundred dollars ;—or as tenant farmer, or lessee, or as occupant, by any title whatsoever, of real estate of the annual value of at least twenty dollars ; such tenant or occupant must also be of the male sex and have been a *bonâ fide* householder in the town for at least six months, that is to say, that he must, as such, have inhabited a furnished room or rooms separate from the remainder of the house in which he cooks his meals or has them cooked and brought to him ; the valuation roll shall be proof of the value of his real estate and shall render any other evidence unnecessary ;

Paid all taxes.

3. He must have paid all municipal and school taxes and all other municipal dues payable by him at the period of his exercising such right as elector ;

Names entered on valuation roll or list of electors.

4. His name must be entered in the valuation roll in force in the municipality, either as proprietor, usufructuary, lessee or occupant, or be entered on the list of municipal electors, if there be any such list.”

Id., 15, replaced.

2. Article 15 of the act 61 Victoria, chapter 57, is replaced by the following :

Declaration to be filed by candidates for mayor and councillor before being nominated.

“15. No one can fill the office of mayor or councillor or even be nominated for the said offices, or elected or appointed to the said offices, unless he has previously deposited and placed in the hands of the secretary-treasurer a sworn declaration under his signature, stating that he is qualified according to law and that he possesses the required qualification, and containing a detailed description of the immoveable in respect whereof he is qualified, an authenticated certificate establishing that such immoveable has been duly registered in his name as owner for twelve months from the date of the deposit of such certificate in the hands of the secretary-treasurer, and another certificate establishing that he is entered on the valuation roll in force as owner of such immoveable.”

Id., 17, replaced.

3. Article 17 of the act 61 Victoria, chapter 57, is replaced by the following :

When property upon which mayor or councillor is qualified is disposed of, &c., he may be required to substitute other.

“17. Whenever the mayor or a councillor transfers or, in any manner whatsoever, disposes of the immoveable in respect of which he is qualified, or mortgages the same in such manner as to affect the amount required for his qualification, two duly qualified electors may present a petition to the council to have the mayor or such councillor, as the case may be, compelled to produce a detailed description of another immoveable by which he may be qualified, and an authenticated certificate that such new immoveable is duly regis-

tered in his name as owner, and, in default of his so doing within a delay of thirty days, his seat shall become vacant.

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

4. Article 20 of the act 61 Victoria, chapter 57, is replaced by the following : Id., 20, replaced.

" 20. In all municipal elections for the office of mayor or of councillor for the town, the voting shall be by ballot ; and, for that purpose, articles 63, 64, 65, 66, 67, 89, 90, 91, 102, 106, and 107, replacing the words "twenty-five" in the third line, by the word "seven," 108, 109, 118, 119, 126, 127, 128, 129, 130, 131, 132, 133, 134, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146 to 197, inclusively, replacing the form of oath contained in article 157 by the following : Voting to be by ballot and law to apply.

FORM OF OATH OR AFFIRMATION

" You swear or affirm (*as the case may be*) :

1. That you are of the full age of majority, and a British subject ; Voter's oath.

2. That you are not indebted to the town of Maisonneuve, nor for any taxes for the schools of the said town ;

3. That you are the person described on the electoral list, (*or on the valuation roll, as the case may be*) under the name of (*read the description*) ;

4. That you have been proprietor for six months of a lot of land situate in this town and worth at least \$100.00, or that you are a lessee or occupant and pay a rent of \$20.00 per annum ; and that you have been a householder for six months in Maisonneuve, that is to say, that you inhabit one or more furnished rooms separate from the remainder of the house where you cook or have your meals cooked or have them brought to you.

5. That you have not yet voted at this election in this polling district for mayor (*or councillor, as the case may be*;))

6. That you have not received anything and nothing has been promised you, directly or indirectly, to vote at this election ;"

Articles 198, (replacing the words : " Clerk of the Crown in Chancery," by the words : " council of the town of Maisonneuve") ; 204, by replacing the words : " In case the applicant deposit within the same time with the clerk of the court the sum of fifty dollars," at the beginning of the second paragraph of that article, by the words : " In case the applicant give good and valid security " ; 205, inclusively, to

212, inclusively, by replacing the words: "Clerk of the Crown in Chancery," in article 210 by the words: "council of the town of Maisonneuve;" 216, 222, 223, 224, 230, 231, 232, 234, 235, 236, 237, 238, 239, 240, 311, 312 to 325, inclusively, of the Quebec Election Act, 1895,—shall apply to the said elections *mutatis mutandis*."

Art. added after id., 20. **5.** The following article is added after article 20 of the act 61 Victoria, chapter 57 :

Articles 4275 to 4288 of R. S. to apply to contestations of municipal elections, &c. **"20a.** Articles 4275 to 4288, inclusively, of the Revised Statutes shall apply, *mutatis mutandis*, exclusive of every other ordinary or extraordinary recourse, to every contestation of a municipal election, to every disqualification of mayor or councillors, to the contestation of an assessment or collection roll, of all by-laws, resolutions or other acts of the council."

R. S., 4519, replaced. **6.** Article 4519 of the Revised Statutes is replaced for the town by the following :

Trial of complaints, decision of revisors. The board of revisors at such meeting, or any subsequent adjournment thereof, takes into consideration the complaints filed in virtue of article 4517, hears the interested parties, examines them together with their witnesses under oath administered by their chairman, and maintains the list or makes the additions or corrections thereto, and there is no appeal from its decisions.

Correction of errors. It may correct any errors and supply any accidental omissions made in such lists.

61 V., c. 57, art. 21, replaced. **7.** Article 21 of the act 61 Victoria, chapter 57, is replaced by the following :

Annual appropriations for expenses of town. **"21.** Every year, during the month of December, the council shall grant to each of its committees the necessary appropriations for the expenses of the town for the following fiscal year.

The council shall vote, in such order and manner as it may deem in the public interest, the necessary amounts to meet the expenses of the said fiscal year, by providing :

1. For the general and ordinary expenses of the town ;
2. For the payment of the interest on the debt due by the town, and the sum required, during the year, for the sinking fund, if any there be ;
3. The sum required for projected improvements ;
4. For a reserve fund out of the gross receipts of the previous year, which shall be exclusively used in meeting unforeseen expenses.

No moneys of this reserve fund can be expended without a favorable report of the finance committee, adopted by the council."

8. The following article is added after article 23 of the act 61 Victoria, chapter 57 : Art. added after id., 23.

"**23a.** In all suits under the preceding section, articles 4276 to 4288 inclusively of the Revised Statutes of the Province of Quebec, shall apply." Application of certain titles of R. to certain suits.

9. The following articles are added after article 29 of the act 61 Victoria, chapter 57 : Arts. added after 61 Vic c. 57 art.

"**29a.** The assessors shall be appointed by the council immediately after the annual elections, and their term of office shall be one year from the date of their appointment." Appointment and term of office of assessors.

"**29b.** Their salary and the terms of payment thereof shall be fixed by the council." Their salary &c.

"**29c.** In addition to the duties imposed on them by law, they shall do and perform all things ordered by the council or the finance committee, provided the same be within the scope of their duties, on pain of dismissal by the council, without previous notice and without remuneration for future salary or otherwise." Their duties

"**29d.** The foregoing articles shall likewise apply to the auditors." Auditors.

10. Article 34 of the act 61 Victoria, chapter 57, is replaced by the following : Id., 34, replaced.

"**34.** The assessors shall without delay date, sign and declare the roll homologated, and shall deposit it in the office of the secretary-treasurer, and, these formalities being observed, the roll shall be, from and after the date of such deposit, and shall remain in force until the coming into force of a new roll." Signature, c. and deposit &c., of roll, &c., and coming into force thereof.

11. Article 36 of the act 61 Victoria, chapter 57, is replaced by the following : Id., 36, replaced.

"**36.** The contestation of any valuation or assessment roll, whether general or special, except in the case of article 35 above, of any by-law, resolution, or other act of the council, in any manner, is prescribed by thirty days from the date on which such by-law or roll came into force, or from the date of such act or resolution of the council." Prescription of right to contest roll, by-law, resolution, &c.

Id., 37,
amended.

12. Paragraph 2 of article 37 of the act 61 Victoria, chapter 57, is replaced by the following :

Proprietors of
land north of
Ontario
street.

“ 2. Proprietors of extensive vacant land to the north of the lots fronting on Ontario street, and being at least ten arpents in superficies, shall be placed on the same footing, as to the valuation, as those who have made arrangements with the town under the provisions of section 4 of the act 56 Victoria, chapter 57 ; but when streets shall have been opened on such lands at the request of the majority of the proprietors, the abutting lots shall fall under the common law.”

44, re-
placed.

13. Article 44 of the act 61 Victoria, chapter 57, is replaced by the following :

Property ex-
empt from
general tax-
ation liable
certain
taxes for
roads, &c.

“ **44.** Moveable and immoveable property, situated in the town, and which according to law is or shall be exempt from taxation or shall be in any manner exempt from taxation for the purpose of meeting the general expenses of the town, shall nevertheless be taxable for the purpose of making and maintaining roads, streets, water-courses, drains and ditches ; and the proprietors, possessors, holders and occupants of such property shall be bound to pay to the town the special tax fixed by the council by by-law to meet the expenditure occasioned by such work ; the said property shall likewise be assessable for, and the owners thereof shall be bound to pay all special assessments or water rates which may be imposed by the council.

ow to be
collected.

Such taxes shall be levied and collected in the usual manner.

Limitation of
application of
article.

This article shall not affect the exemption from taxes hitherto granted by resolution of the council in virtue of the law ; but in future, exemptions from taxation granted by the council shall cover only the ordinary and yearly taxes levied on immoveables.”

Id 46, re-
placed.

14. Article 46 of the act 61 Victoria, chapter 57, is replaced by the following :

S., 4554,
replaced.

“ **46.** Article 4554 of the Revised Statutes is replaced, for the town, by the following :

Stoppag of
ale.

The sale of moveables, under writ of attachment, shall only be stopped upon the order of a judge of the Superior Court, or of the recorder of Maisonneuve, given upon a petition presented two days before the time fixed for the sale, after giving notice to the town, at least one clear day before presenting the petition.

15. The following article is added after article 48 of the act 61 Victoria, chapter 57 :

Article added after 61 V., c. 57, art. 48.

“**48a.** The town council may, in the interest of the town, pay the note or notes given or to be given by it in virtue of the above article 48, by issuing bonds or debentures at interest less than that on the said notes, and such issue of bonds or debentures shall not be deemed a loan.”

How notes are to be paid.

16. Article 49 of the act 61 Victoria, chapter 57, is replaced by the following :

Id., 49, replaced.

“**49.** The loans effected by the town, by the issue of bonds or obligations, in virtue of the above article 47, shall only be made by by-law of the council to that effect, approved by the majority in number and in value of the real estate owners who are municipal electors, and who vote on such by-law.”

Loans to be made under by-laws approved by real estate owners.

17. Article 50 of the act 61 Victoria, chapter 57, is replaced by the following :

Id., 50, replaced.

“**50.** The town council cannot in future, without the approval of the municipal electors, obtained in the same manner as prescribed by this act for loans, incur any debts for a sum exceeding in all twenty-five per cent. of the value of the total assessable property of the municipality, except as regard the powers granted by the above articles 48 and 48a.”

Debts not to be incurred without approval of electors.

18. Paragraph 5 of article 59 of the act 61 Victoria, chapter 57, is replaced by the following :

Id., 59, amended.

“**5.** To levy, by assessment, the money sufficient for making or repairing one or more common sewers, connections and other accessories, in all the streets of the town, whether opened or not to the public, upon all owners of lots situated on such streets, or have such work done, in whole or in part, at the expense of the corporation ; to determine which of said proprietors shall pay for such sewers, and in what proportion ; to regulate the mode of collecting such taxes, with or without delay for payment ; and to regulate the manner of making such sewers, the materials to be employed, both for private drains and every other accessory, including connections, whether they be made by the town or by the proprietors. The council shall decide what persons shall pay for drains at the intersection of streets and lanes.”

To levy by assessment money for making common sewers,

Art. added after id., 60. **19.** The following article is added after article 60 of the act 61 Victoria, chapter 57 :

Certain powers may be exercised by town and in what manner. **“60a.** The town may exercise all the powers contained in articles 4402, 4403, 4404, 4405 as well as in article 60 of the act 61 Victoria, chapter 57, in favor of any person, partnership, corporation or public body, and it may exercise such powers in the form of a sale, loan, gift, exchange, lease, subscription, security, endorsation, exemption from taxation or in any other way it may deem expedient.”

Art. added after id., 61. **20.** The following articles are added after article 61 of the act 61 Victoria, chapter 57 :

Construction of sidewalks of durable material and assessment therefor. **“61a.** The council may order the construction of sidewalks of durable and permanent materials in any public place of the town, and order the payment of the cost of such sidewalks, as well as of those already made, out of the funds of the town, to an amount not exceeding one half of such cost, and assess the remainder upon the adjoining properties forming a block, that is to say facing on the same street, from the intersection of one street to the next one.

How assessment to be laid. **“61b.** Such assessment shall be made in proportion to the frontage of each lot, provided that no such resolution shall be adopted before the cost of such construction shall have been established by a report made by competent men appointed by the council, and provided, moreover, that a notice specifying the nature and cost of such construction shall be sent by registered letter to each of the proprietors bound to contribute thereto, as their names appear on the valuation roll in force.

If certain proprietors object. **“61c.** If the majority in number and in value of the proprietors of the lots to be taxed for the construction of a permanent sidewalk, file in the office of the secretary-treasurer, within fifteen days from the date aforesaid, an opposition in writing to the execution of such work, the secretary shall report accordingly, and, in such case, the sidewalk shall not be made.

Who makes allotment of cost of construction, &c., how collected. **“61d.** The allotment of the cost of constructing a permanent sidewalk shall be made by the secretary-treasurer and shall be assimilated to special taxes for drains. It shall be collected in the same manner and with the same privileges and advantages.”

21. Article 62 of the act 61 Victoria, chapter 57, is replaced by the following : Id., 62, replaced.

“ **62.** Article 4367 of the Revised Statutes is replaced, for the town, by the following : R. S., 4367, replaced.”

Every public notice, for municipal purposes, shall be published in accordance with article 4367 of the Revised Statutes, except that, in the case of a loan, a by-law for a bonus, the preparation of a valuation or collection roll, and in all cases in which the council thinks it proper, it shall be given, by one or more insertions in a French newspaper and in an English newspaper of the city of Montreal. Publication of notices, &c.

When it is necessary to give or to observe a delay in a public notice, such delay shall, in all cases, be of three days, unless the law otherwise specify.” Delays after notice.

22. Paragraph 2 of article 64 of the act 61 Victoria, chapter 57, is replaced by the following : 61 V., c. 57, art. 64, amended.

“ 2. Such men shall be sworn before any justice of the peace, or before the secretary-treasurer, to act as police officers or constables and in order to preserve peace within the said town.” Swearing in of police officers.

23. The following articles are added after article 64 of the act 61 Victoria, chapter 57 : Arts. added after id., 64

“ **64a.** The town council may order that the policemen or constables shall carry any offensive or defensive weapon which they may deem advisable, and may adopt any by-law in connection therewith. Weapons to be carried by policemen.”

“ **64b.** Every person who wears the uniform of the police force of the town, or carries any arm, badge or other thing calculated to cause him to be taken for a policeman, shall be liable to a fine not exceeding twenty-five dollars and, in default of payment, to an imprisonment not exceeding one month.” Penalty for personating policeman.

24. Article 75 of the act 61 Victoria, chapter 57, is replaced by the following : Id., 75, replaced.

“ **75.** The acts 46 Victoria, chapter 82, with the exception of articles 53 to 67, inclusively, 69 and 71 to 123, inclusively ; 51-52 Victoria, chapter 89 ; 56 Victoria, chapter 57 ; and 60 Victoria, chapter 65, are repealed, in so far as they are inconsistent with this act. Certain act repealed, &”

Arts. added after id., 75. **25.** The following articles are added after article 75 of the act 61 Victoria, chapter 57 :

Qualification and appointment of recorder, &c. **" 75a.** The recorder shall be an advocate of the Province of Quebec who has practised his profession for at least ten full years and who shall be appointed by the Lieutenant-Governor in council. He shall hold office during good behavior. He shall *ex officio* be a justice of the peace for the whole Province of Quebec.

Meaning of terms. **" 75b.** The " recorder " and the " recorder's court " shall be deemed to mean the same person or thing and both shall have the same jurisdiction.

Orders, &c., not to be invalidated for certain reason. **" 75c.** No judgment, order, permission or act whatever of the recorder shall be invalidated by reason of its not being given or done in the place designated by the council for holding the sittings of the court.

Salary of recorder, &c., how payable. **" 75d.** The recorder's salary shall be fixed by the town council and shall be payable monthly out of the funds of the town. It shall not be less than two hundred dollars per annum.

Recorder may practise, &c., before courts. **" 75e.** The filling of the office of recorder shall not prevent an advocate from practising his profession before any other court of justice.

Power of assistant recorder, &c. **" 75f.** As soon as the assistant-recorder is appointed and his appointment is registered, and until notice of his removal is registered, he shall have all the jurisdiction, powers, rights, privileges and authority, and shall be bound to perform all the duties of the recorder of the town whenever required so to do by the recorder, whether the latter be or be not absent from the town."

Id., 76, replaced. **26.** Article 76 of the act 61 Victoria chapter 57, is replaced by the following :

Certain articles of R. S. not to apply and all provisions of Municipal Code to apply. **" 76.** Articles 4194, 4195, 4214, 4216, 4227, 4228, 4229, 4230, the last paragraph of article 4241, and articles 4242, 4243, 4244, 4247, 4250, 4251, 4253, 4254, 4255, 4256, 4257, 4258, 4262, 4263, 4264, 4414, 4452, 4500, 4505, 4506, 4507, 4508, 4509, 4530, 4531, 4532, 4533, 4554, 4555, 4556, 4565 and 4569 of the Revised Statutes shall not apply to the town and are especially excepted ; and all the provisions of

the Municipal Code of this Province, that are not inconsistent with this act or with the town corporations general clauses, shall apply thereto and form part thereof, so far as the same is possible, *mutatis mutandis*."

27. This act shall not apply to the elections which are to be held during the month of March, 1900. Act not to apply to certain elections.

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

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