



63 VICTORIA

CHAP. 57

An Act to consolidate the acts respecting the incorporation of the town of Ste. Anne de Bellevue

[Assented to 23rd March, 1900]

WHEREAS the corporation of the town of Ste. Anne de Bellevue, has, by petition, represented that it is necessary to revise the act 58 Victoria, chapter 56, concerning the said corporation, and to extend and better define its powers ;

Whereas 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 :

PRELIMINARY TITLE

TRANSITORY PROVISIONS

- 1.** The act 58 Victoria, chapter 56, is repealed, but the corporation erected by the said act is hereby continued. 58 V., c. 56, repealed. Proviso.
- 2.** The corporation hereby constituted succeeds to the rights, powers, privileges, obligations, property, claims and actions of the corporation existing under the act repealed by article 1. Corporation under act succeeds to former one.
- 3.** The present mayor and councillors of the town of Ste. Anne de Bellevue shall remain in office until the expiration of their term of office, or until they lawfully resign, or are replaced by competent authority. Present mayor and councillors.

Present municipal officers, &c.

4. The municipal officers and employees now in office shall also remain in office till the expiration of their term of office or till they have lawfully resigned or been replaced by competent authority.

Present *procès-verbaux*, &c.

5. All *procès-verbaux*, assessment and valuation rolls, titles, claims, accounts for amounts due, by-laws, orders, lists, rolls, plans, resolutions, ordinances, agreements, provisions, engagements or other municipal acts whatsoever, passed or agreed to by the council of the said town or the late village of Ste. Anne de Bellevue, are hereby ratified, and they shall continue to have their full effect until annulled, amended or accomplished.

Existing notes, &c.

6. All notes, bonds, debentures, obligations and engagements whatsoever, subscribed, endorsed, accepted, issued or contracted by the council of the town or of the late village of Ste. Anne de Bellevue, up to the coming into force of this act, shall have all their legal effect, notwithstanding the passing of this act.

TITLE I

ORGANIZATION OF THE CORPORATION

SECTION I

INCORPORATION

Territory of town constituted.

7. The territory comprised within the present limits of the town or of the former village of Ste. Anne de Bellevue, shall continue to be erected into a town municipality, under the name of "the town of Ste. Anne de Bellevue," and the inhabitants of Ste. Anne de Bellevue shall continue to be incorporated as a town, under the name of "the town of Ste. Anne de Bellevue."

Name of town.

Name of corporation.

Separated from Jacques Cartier county.

8. The town of Ste. Anne de Bellevue shall continue to be separated from the county of Jacques Cartier for all municipal purposes.

R. S., 4192, replaced.

9. Article 4192 of the Revised Statutes is replaced as follows for the town :

General powers.

The corporation, under its own name, has perpetual succession and may :

1. Acquire moveable and immoveable property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same ;

2. Enter into contracts, transact, bind and oblige itself and others to itself within the limits of its powers ;

3. Sue and be sued in any case and before any court of justice ;

4. Generally exercise all the powers vested in it or which are necessary for the accomplishment of the duties imposed on it ;

5. Have a common seal which it may change or modify at will ;

6. Sign, draw, endorse, transfer, give, accept or receive promissory notes, bills of exchange, cheques, bonds, debentures, warranties or other titles and securities, whether negotiable or not, in fulfilment of all the rights, powers or obligations conferred or imposed upon it by its charter or by law for lawful purposes ;

7. Borrow, on a mere resolution of the council, whenever it may deem advisable, by note or otherwise, on such terms and conditions as it may deem best, sums of money, in the execution of all the powers, rights and attributes conferred upon it by its charter or by law and of all the duties and obligations devolving upon it.

The council may, in the same manner, for the same purposes, and to pay all debts or obligations, whenever it deems necessary, become a party to notes or deeds.

But the amount of such sums of money and of such notes or deeds shall not, at any time, exceed ten thousand dollars.

10. All notes, bills of exchange, cheques, debentures, contracts, agreements or deeds, made and passed by the town shall be signed by the mayor or, in his absence by the pro-mayor, and secretary-treasurer ; and article 4207 of the Revised Statutes is hereby repealed for the town.

Signature to notes, &c.

R. S., 4207 repealed.

SECTION II

COUNCIL OF THE CORPORATION

11. The council of the town as hereby constituted is substituted to the council of the said town and succeeds to it in all its rights, powers, privileges and obligations.

Council substituted for former one, &c.

12. Article 4194 of the Revised Statutes is replaced for the town by the following :

R. S., 4194, replaced.

The council consists of seven councillors ; the councillors shall elect a president, who shall be called the mayor.

Composition of council.

- Quorum. **13.** The quorum of the council shall be four members.
- Pro-mayor. **14.** The council may, by resolution, appoint one of its members pro-mayor and remove him at will.
- Duties, &c. The pro-mayor shall perform the duties of mayor in the case of absence or inability to act of the latter and in the case of any vacancy in the office of mayor.
- R. S., 4210, replaced. **15.** Article 4210 of the Revised Statutes is replaced as follows for the town.
- Mayor and councillors *ex-officio* justice of the peace. Without other qualification and without being obliged to take the oaths prescribed for such office, the mayor and councillors are *ex-officio* justices of the peace, within the limits of the municipality, so long as they continue in office.
- Jurisdiction. They are not competent to hear and decide any case in which the corporation or its officers are interested parties.

SECTION III

PERSONS DISQUALIFIED FOR MUNICIPAL OFFICES

- R. S., 4216, replaced. **16.** Article 4216 of the Revised Statutes is replaced for the town as follows :
- Eligibility. No person shall be elected mayor or councillor, or fill either of these offices unless :
1. He be of the male sex, of full age and a subject of Her Majesty by birth or naturalization ;
 2. He can read and write ;
 3. He has had his domicile or place of business within the limits of the town, during the year preceding the election ;
 4. He has possessed therein, for at least twelve months as proprietor in his own name or in that of his wife, real estate of the value of one thousand dollars over and above all charges and hypothecs thereon, for the office of mayor, and four hundred dollars for that of councillor ;
 5. He has, at the time of his election, paid all the municipal and school taxes then due by him ;
 6. He has been entered as proprietor on the valuation roll in force in the municipality or on the list of municipal electors, if there be one.

SECTION IV

MUNICIPAL ELECTORS

17. The first two paragraphs of article 4227 of the Revised Statutes are replaced as follows for the town : R. S., 4227, amended.

Every person shall be a municipal elector, and as such shall have the right to vote at the election of councillors, and to exercise all the rights and privileges conferred on municipal electors by the provisions of this chapter or of the charter, who, at the time he exercises such rights and privileges, is within the following conditions, namely : Qualifications of electors.

He must be of the age of majority and a British subject.

SECTION V

MUNICIPAL ELECTIONS

18. The mayor is elected for one year ; he is chosen from among the councillors and elected by them at the first general or special meeting of the council, held after the annual elections of the said councillors. Term of office, and election of mayor.

During the three days following the election of the mayor, the secretary-treasurer shall give him notice in writing of his election. Notice of election.

19. The councillors are elected for three years, and the present order of their renewal shall continue to be observed. Term of office of councillors, &c.

20. Article 4229 of the Revised Statutes is replaced as follows for the town : R. S., 4229, replaced.

The general elections shall take place every year in the month of January. Date of elections.

The nomination shall take place at nine o'clock in the morning, on the second Monday of January, and the polling, when required, shall be held on the third Monday of the same month. Nomination and polling.

21. The first general election of the council of the town shall take place on the second Monday of January following the coming into force of this act at nine o'clock in the morning, and if a poll be necessary such poll is held on the third Monday of the same month. First election after coming into force of act.

22. At such first election, the councillors alone whose term of office expires are replaced, and at the expiration of one or two Who retire at such election.

two years from the same date, the councillors whose term of office expires, shall be replaced in the same manner, and so on in the future.

R. S., 4231, replaced. **23.** Article 4231 of the Revised Statutes is replaced for the town as follows :

Number of persons to be elected. At each such election there is elected as many councillors as the charter requires, if it be the first election, or as retire from office, if it be the subsequent general elections.

R. S., 4234, replaced. **24.** Article 4234 of the Revised Statutes is replaced for the town as follows :

Time and place of elections. The meeting of municipal electors for the nomination of councillors is held at the town-hall or at any other place specified by the council, and is opened at nine o'clock in the morning of the day fixed therefor.

R. S., 4238, 4241 and 4242 not to apply. **25.** Articles 4238, 4241 and 4242 of the Revised Statutes do not apply to the town.

R. S., 4235 and 4236, replaced. **26.** Articles 4235 and 4236 of the Revised Statutes are replaced for the town as follows :

Appointment of officer to preside and election clerk. The council, by resolution, shall appoint the officer to preside at the general or partial election, and shall also appoint an assistant-presiding officer and an election clerk to assist the latter in the performance of his duties respecting the elections.

Absence, &c., of presiding officer. In the event of the assistant-presiding officer being absent or unable or of its being impossible for him to act, the election clerk shall perform the duties of the latter subject to the same penalties.

Poll. **27.** A single poll is held for the general or partial elections for one or more wards. Such poll shall be held in the town-hall or any other place fixed by resolution of the council.

R. S., 4237, replaced. **28.** Article 4237 of the Revised Statutes is replaced for the town by the following :

Nomination. After having opened the meeting the presiding officer shall place in nomination as candidate for the office of councillor of a ward all persons whose names have been handed in for such ward, in writing, by at least seven municipal electors.

Such nomination must be made by the electors of the ward.

29. Article 4239 of the Revised Statutes is replaced for the town as follows : R. S., 4239, replaced.

If, one hour after the opening of the meeting, only as many persons have been placed in nomination as coun- Election by acclamation. cillors for any ward as there are councillors to elect, the presiding officer shall declare such persons elected councillors for the ward.

30. Article 4240 of the Revised Statutes is replaced for the town as follows : R. S., 4240, replaced.

If, one hour after the opening of the meeting, there have been and remain nominated, for the office of coun- Polls for election. cillors in one or more wards, more persons than there are councillors to be elected therefor, it shall be the duty of the officer presiding over the election to grant a poll for such ward, which poll shall be held on the Monday following, at the town-hall, or at any other place fixed by the council.

31. Articles 4243 to 4264, inclusively, of the Revised Statutes are replaced for the town as follows : R. S., 4243 to 4264, re-placed.

The elections of councillors in the town, either general or partial, shall be by ballot, and the principle of the Quebec Election Act, as set forth in articles 127 to 250 and 252 to 260, inclusively, of the act 59 Victoria, chapter 9, as well as the forms referred to in such articles, with the exception, however, of articles 202, 213 and 218 ; and the form of oath of the electors contained in article 157 of the same act which shall be replaced by form A of this act, shall apply to such elections *mutatis mutandis* and shall govern them as well as all matters connected therewith and whereof no special mention is made in this act ; nevertheless, the ballot-paper O mentioned in article 134 is replaced for the town by the Durocher ballot-paper made according to form OO of article 135 of the said statute or by any other ballot-paper determined by by-law of the council. Elections to be by ballot and law to apply.

32. The council shall nevertheless, by by-laws adopted from time to time, have power to modify the details of the procedure in conducting the election and in the mode of receiving ballot-papers, provided that, in doing so, it do not enact any provisions inconsistent with the provisions of the said articles. Modification of details of procedure at elections.

33. The council may likewise incorporate in such by-laws all amendments to such articles which may in future be made thereto by the Legislature ; and in all questions that Incorporation of amend-ments to law.

may arise with respect to elections held under this act, such articles, amended, modified or simplified as aforesaid, shall be read as forming part of this act.

Interpreta-
tion of certain
words in elec-
tion act.

34. In the application of the said articles to the elections to be held under this act, the words "returning officer," in all the said articles, shall mean the officer presiding over the election; the words "deputy returning officer" shall mean the assistant-presiding officer; the words "poll-clerk" shall mean the election clerk, and the words "clerk of the Crown in Chancery," shall mean the secretary-treasurer of the town.

Ballot box for
each ward.

35. There shall be a ballot box for each ward.

Ballot-papers
for each con-
tested seat.

36. There shall be separate ballot-papers for each contested seat.

SECTION VI

CASES WHERE THE ELECTION HAS NOT TAKEN PLACE ON THE DAY FIXED BY LAW

R. S., 4268
and 4269,
replaced.

37. Articles 4268 and 4269 of the Revised Statutes are replaced, for the town, by the following:

Art. 27 to ap-
ply.

Article 27 of this charter shall apply to such election.

Penalty for
not electing
mayor at
proper time.

38. If the mayor be not elected at the time specified in articles 19 and 41 of this act, as the case may be, the councillors in office shall incur the penalty provided by article 4266 of the Revised Statutes.

Such penalty may be exacted for each week's delay in electing the mayor.

SECTION VII

VACANCIES IN THE OFFICE OF MAYOR OR COUNCILLOR

R. S., 4273,
replaced.

39. Article 4273 of the Revised Statutes is amended for the town by adding the following paragraph:

When vacan-
cy does not
occur.

Nevertheless such office shall not become vacant when the person occupying it remains sufficiently qualified in his wife's name.

R. S., 4274,
replaced.

40. Article 4274 of the Revised Statutes is replaced for the town by the following:

Vacancy how
filled.

When a vacancy occurs in the office of councillor, the election of a substitute shall be forthwith proceeded with,

on the days fixed by the council. Such election shall be held in the manner prescribed for general elections.

If the councillor who is replaced is at the same time mayor, the new mayor is elected in the manner set forth in article 18 of this act, but at the first general or special meeting held after the election mentioned in the foregoing paragraph.

SECTION VIII

SITTINGS OF THE COUNCIL

41. Article 4300 of the Revised Statutes is replaced for R. S., 4300, the town by the following : replaced.

Every disputed question shall be decided by a majority Decision of of the votes of the members present, except in cases where disputed the votes of two-thirds of the members of the council or of questions. the members present are required.

The mayor or any other councillor who presides may vote whenever any question is put to the vote ; and, in case of an equal division of votes, he shall in addition have the casting vote.

In case of an equal division of votes, the presiding officer shall be always bound to give the casting vote, giving his reasons therefor if he so please.

SECTION IX

SECRETARY-TREASURER

42. Article 4343 of the Revised Statutes is amended for R. S., 4343, the town by adding the following clause thereto : amended.

The council may, by resolution, fix and alter the office Office hours. hours of the secretary-treasurer.

SECTION X

AUDITORS

43. Article 4351 of the Revised Statutes is replaced for R. S., 4351, the town as follows : replaced.

1. The auditors shall enter on their functions as soon as Entry into they are sworn to discharge well and faithfully the duties office. of their office ;

2. They shall remain in office until the entry into office Duration in of their successors ; office.

- Qualifications. 3. No one can be appointed an auditor who is unable to read and write ;
- Non-residents. 4. The council may appoint as auditors persons residing outside the town ;
- Remuneration. 5. The council may, if it deem advisable, vote a certain amount as remuneration to the auditors.

R. S., 4352, replaced. **44.** Article 4352 of the Revised Statutes is replaced for the town as follows :

Duties. The auditors shall be bound once a year, at the time fixed by the council, and oftener if required, to make an examination of, and to report respecting all accounts of the corporation, and all accounts relating to any subject falling within the jurisdiction of the council.

Such report shall include all the financial affairs of the corporation for the twelve months preceding, or for the five preceding years, if the council so order by resolution.

SECTION XI

ASSESSORS

R. S., 4353 and 4354, replaced. **45.** Articles 4353 and 4354 of the Revised Statutes are replaced for the town by the following :

Qualifications. No person can be an assessor nor act as such unless he possess in the town at the time of his appointment by the council and during the performance of the duties assigned to him, as owner in his own name or in that of his wife, real estate of the value of eight hundred dollars as established by the valuation roll in force.

Employment of clerks. **46.** In the execution of their duties, the assessors may require the services of other persons provided such persons be chosen by the council.

Their remuneration. The clerk or other person appointed by the council and whose services are required, under this article, is entitled for each day he is employed to an amount of so much a day specified by resolution of the council payable by the town on the certificate of the assessors who employed him.

Remuneration of assessors. **47.** The council by resolution or by-law may grant the assessors, for their services, such remuneration as it may deem fit.

TITLE II

POWERS OF THE COUNCIL

SECTION I

POWER TO MAKE BY-LAWS

§ 1.—*Aid towards the construction, improvement and maintenance of works and undertakings not belonging to the corporation*

48. Article 4404 of the Revised Statutes is replaced for the town by the following : R. S., 4404,
replaced.

To aid in the construction of any bridge, causeway, pier, wharf, slide, macadamized or paved road, railroad, or other public works, or any industrial establishment, situated in whole or in part within the municipality or in its vicinity, undertaken and built by any incorporated company, or by the provincial government or by individuals or associations : Aid construction of bridge, &c.

1. By taking and subscribing for shares in any company formed for such purpose ;

2. By giving or lending money to such company or to the provincial government, or to such individuals or associations ;

3. By guaranteeing by endorsement or otherwise any sum of money borrowed by such company, individuals or associations ;

4. By exempting from the payment of taxes, municipal assessments and dues, certain industrial establishments according to the provisions of section sixth of chapter second of this title.

49. Article 4405 of the Revised Statutes is replaced for the town as follows : R. S., 4405,
replaced.

Subscribe for or hold stock in any company formed for the purpose of constructing electric telegraph or telephone lines. Subscribe to telegraph, &c., lines.

§ 2.—*Sale of Intoxicating Liquors*

50. The council may by by-law :

Prevent, limit and regulate the sale, by retail or otherwise, of spirituous, vinous, alcoholic or intoxicating liquors Council may pass by-laws respecting : Sale, &c., of spirituous in liquors, &c.

R. S., 4414,
replaced.

in the town, and fix the sum, not to exceed one hundred dollars, payable for the granting of each certificate to obtain a license to sell, notwithstanding the provisions of article 4414 of the Revised Statutes, which is replaced for the town by this article.

§ 3.—*Public Nuisances*

Abattoirs.

51. Limit the number of public or private abattoirs in the town, or prohibit them altogether.

Slaughtering
of animals.

52. Compel butchers or other persons to slaughter their animals outside of the town, at such a distance from the limits of the town as the council shall fix.

Establish-
ment of pub-
lic abattoirs.

53. Establish within or beyond the limits of the town, with the consent of the interested municipalities, one or more public abattoirs, which shall be under the control of the council and of its officers, and compel any person who wishes to slaughter an animal to slaughter it or cause it to be slaughtered at one of such abattoirs; but such abattoirs shall not be further than three miles distant from the limits of the town.

Cartage of
dangerous
substances.

54. Order that dung, manure, or other substances dangerous or hurtful to public health or safety, be carted through certain streets of the town.

Erection of
stables, &c.

55. Prevent the erection upon any land in the town of stables, coach-houses, latrines or other like buildings, at a distance of less than thirty feet from the street, and cause the removal, within such delay as the council may fix, by indemnifying the proprietors, all buildings already erected, not build at such distance or at such distance from dwellings as the council may determine.

Erection of
factories
dangerous,
to health.

56. Regulate or prevent the erection, use or working in the town of establishments or factories of a dangerous or injurious nature, likely to endanger the public health or safety.

Escape of un-
healthy
odours.

57. Abate, in the interests of public health and of individuals, smoke and the escape of unhealthy odours from such factories, workshops, shops or deposits of garbage, even when such establishments or deposits are situated within neighbouring municipalities near the limits of the town, if such municipalities refuse or neglect to put an end to such nuisances within a delay to be fixed by the council.

58. To determine, in the interests of public health, where Ice shall be taken.

59. Determine the place of erection, and regulate the erection, use and employment within the town of all stationary steam engines or machinery, and of all factories whatsoever of a nature to vitiate the atmosphere or inconvenience the neighborhood by its odor, smoke or noise, or of all stalls and establishments in which works, operations or processes are carried on, exposing to danger or tending to endanger the public health and safety, of which the council shall be the judge, and permit the erection, use or employment thereof under such restrictions or conditions as the council shall deem necessary; provide for the inspection of the said machinery worked by steam, and of factories of the above nature, and impose and levy a fee for this purpose upon the proprietors of such steam machinery or of such factories. Steam engines, &c.

§ 4.—*Public Safety*

60. To prevent traders in oils, fluids, hay, straw, and all inflammable substances, from trading without the authorization of the council, and prevent the storing of any of the said inflammable materials in any buildings, in contravention of the by-laws. Trading in oils, &c., and storage thereof.

61. Compel all persons desiring to keep a wood-yard in the town, to first obtain a permit or license from the council; determine under what conditions such permit shall be granted, in order to prevent fires or for other motives, and determine the manner in which such wood-yards shall be kept and fenced in, and the height to which the proprietors of wood-yards, as well as any other proprietor in the town, shall be allowed to raise wood piles. Wood-yards, &c.

62. Regulate the height of chimneys and compel the placing of a grating thereon in such manner that no sparks shall escape. Chimneys.

63. Regulate the manner in which chimneys shall be built and determine the materials to be used for that purpose, and compel the proprietors or occupants of buildings to rebuild existing chimneys which present any risk of fire,—of which the council shall be the judge,—in the delay fixed by the by-law. Materials of which chimneys are to be built, &c.

Discharge of
fire-arms on
Sunday, &c.

64. Prevent the discharge of fire-arms or fire-crackers, on Sundays, holidays and at any other time, if the council see fit.

Closing of cer-
tain estab-
lishments on
Sunday, &c.

65. Compel merchants and traders, barbers, keepers of gaming houses or houses of amusement, and all manufacturers or factory owners, to close their establishments on Sundays and holidays.

Improve-
ments in
town and ex-
penses there-
for.

66. The council may contribute, out of the revenues of the town, towards defraying the cost of any improvements decreed by it ; it may borrow the amount necessary to pay its share of such improvements by complying with the procedure and formalities required for loans or with the provisions of article 9 of this act.

§ 5.—*Public Roads*

Council may
pass by-laws
respecting :
Line of build-
ings on
streets.

67. The council may, by by-law :

Fix and determine the line of buildings in the streets, roads and avenues, and regulate the manner and the materials to be used in the erection or repairing of buildings, in order to protect them, as well as their occupants, against accident by fire, with power to hold the proprietor, builder or any person in possession of the said buildings, responsible for any contravention of the said by-laws.

Foundations
of houses, &c.

68. Order that, in future, houses shall be constructed upon a stone foundation and that they consist of one or more stories, at the discretion of the council.

Removal of
houses within
line of street.

Compel any proprietor or contractor or any other person who erects any building whatsoever on the line of a street, to obtain permission from the town, before commencing to build, and charge for such permission such sum as may be fixed by the council.

Width of
tires of wag-
gons, drays,
&c.

69. Regulate the width of tires on the wheels of wag-gons, drays, trucks, carts or other vehicles carrying heavy loads, and prevent the passage of such vehicles in the streets or parts of streets that the council shall see fit.

Protection of
citizens on
streets, &c.

70. Take all possible means to protect the citizens in the streets or public squares, at railway stations and on the wharves of passenger boats.

Gates, &c., to
be kept up by
certain rail-
way com-
panies.

For this purpose, the council may compel every railway company under the control of the Provincial Railway Act to make, construct and maintain, at every hour of

the day and night, any gates, fences or other appliances it may deem needful for protecting citizens, vehicles and animals passing in the streets or public squares, and all such companies shall be liable to any penalty which may be enacted by the council.

71. Prevent the obstruction of streets by railways or cars, trains or locomotives of railway companies under the control of the Provincial Railway Act; impose, either on the employees of the railways or on the company itself, a fine for each contravention of the by-laws passed in this respect; prevent also, under the same penalties, the obstruction of streets or sidewalks by the snow taken from the roads or grounds belonging to railway companies; and prevent the said railway companies from blowing the whistles of their engines within the limits of the town. Obstruction of streets by railways.

72. Regulate the manner in which awnings projecting over the streets shall be put up, and compel the owners thereof to remove them. Awnings.

73. Cause the removal of any flag, sign or other object used as such, encroaching upon the public road. Flags, &c.

74. Prohibit the transport or removal, through the streets of the town, of any house or building, without a special permit from the council, and on payment of such compensation as the council may exact, and subject to such stipulations respecting damages incurred which may be made. Transport of houses through the town.

75. Prevent every proprietor from rebuilding a demolished house on the site which it occupied beyond the line of a street or public place, provided that within a year the council shall adopt measures in expropriation for acquiring the portion of the lot encroaching on the street. Building inside lines of streets, &c.

The council may, with the view of widening the street, purchase the portion of the lot encroaching on such street, or compel the proprietor to abandon it in consideration of sufficient indemnity. Purchase of part of encroaching lot.

76. Order that no person, firm or company shall, at any time or for any purpose, cause excavations, openings or other works of any kind to be made or done in the streets of the town, without previously obtaining permission in writing from the council in the form specified by the council, for which it may charge such fee as it may decide upon. Excavations in streets, &c.

Placing of telegraph, &c., poles.

77. In order to prevent or guard against any public nuisance, regulate the placing of telegraph, telephone, electric light and other such poles in the town, and the laying of wires or other appliances ; impose a penalty on the owners thereof for every contravention of the municipal orders and by-laws, when ten days have elapsed from the time when written notice was given of such contravention ; order, if necessary to prevent the streets being obstructed, that the wires be laid underground but at places selected by the council, so soon as the corporation shall have supplied the proper conduits.

Conduit for telegraph wires, &c.

78. The town may construct a common conduit, and compel telegraph, telephone, electric light and other similar companies, to lay their wires therein, and levy an annual tax for the use of such conduits, payable by the aforesaid companies, without prejudice to rights acquired under existing charters.

Provisions respecting assessment upon proprietor who hands over land for street.

79. When a proprietor, gratuitously, makes over to the town any land for a street traversing his property, exempt, in whole or in part, by resolution, the remainder of the property fronting on the new street from the apportionment necessitated by the opening of such street ; provided that the part so exempted is of a depth of not more than one hundred and fifty feet.

Closing of streets, &c.

80. The town may close any street or section of a street or public square, and sell the land for the benefit of the town ; provided, always, that if any person suffer damage thereby, he receive compensation, to be settled by arbitration.

SECTION II

MISCELLANEOUS PROVISIONS

Appointment of milk, &c, inspector.

81. Appoint a competent person to inspect meat and milk sold or offered for sale in the town, and confer upon him the power of confiscating all meat and milk of bad quality, or which is unwholesome or injurious to the public health.

Sale of meat, &c., of bad quality.

82. Impose a fine, and imprisonment in default of payment of the fine and costs, upon any person selling or offering for sale any meat or milk of bad quality, unwholesome or injurious to health, contrary to the by-laws.

83. Encourages, on such conditions as the council may impose, the laying of a railway in the streets or through the town, by any company under the control of the Provincial Railway Act, operating a railway run by steam, electricity or other power, and grant it an exemption from taxes for a period not exceeding thirty years.

Laying of rails in streets, &c.

84. The council shall have power to purchase or acquire any land, within the limits of the town, for improvements deemed necessary or for any of the purposes whatsoever mentioned in this act, either by mutual agreement entered into between the corporation and the proprietors or other person interested, or by adopting the provisions and complying with the formalities respecting expropriations.

Acquisition of property for town improvements.

85. Article 4461 of the Revised Statutes is replaced for the town as follows :

R. S., 4461, replaced.

Oblige the owners of land situated on any road, street, public square or highway, established in the municipality, to make and maintain in front of their properties, sidewalks of wood, stone or other material as may be determined, either throughout the whole municipality or only through a part thereof ; determine the manner of making or maintaining such sidewalks, and even make and maintain them at the expense of the corporation.

Sidewalks.

86. Article 4465 of the Revised Statutes is replaced for the town as follows :

R. S., 4465, replaced.

Prevent the streets and other public places being blocked up.

Blocking of streets.

87. Article 4466 of the Revised Statutes is replaced, for the town, as follows :

R. S., 4466, replaced.

Prevent driving at too rapid a speed, and prevent persons on horseback, or on velocipedes or on any other vehicle, from passing on the sidewalks.

Rate of speed for vehicles, &c.

Compel any person using a velocipede or other vehicle of a like kind, after dark, to have a lighted lamp.

Lamps on certain vehicles.

88. Article 4467 of the Revised Statutes is replaced for the town as follows :

R. S., 4467, replaced.

The council is bound to see that the roads, streets, sidewalks and highways, save and except roads under the control of trustees, be constantly kept in good order ; and the corporation is responsible in damages for the bad state of such roads, streets, sidewalks and highways, saving recourse against the persons in default.

Responsibility of council for streets, &c.

SECTION III

VALUATION ROLL

R. S., 4498,
replaced.

89. Article 4498 of the Revised Statutes is replaced for the town as follows :

Annual val-
uation of tax-
able proper-
ty.

It is the duty of the valuers in office, to make every two years, at the time and in the manner ordered by the council, the valuation of the taxable property of the municipality, according to the real value thereof.

They also make the valuation of the annual value of such property, and enter it in the roll in a separate column.

Name of ten-
ants and oc-
cupants to be
entered.
"Occupant"
defined.

They also enter in the roll the names of tenants or occupants and the annual value of the immovable or of the part of the immovable occupied by each of them.

The word "occupant" shall have the same meaning as it has in the Quebec Election Act.

Revision of
roll when no
new valuation
is made.
When to take
place.

90. The council shall, in each year that no new valuation roll is made, revise the roll in force, giving the same notices and observing the same delays as for the making of the roll. Such revision takes place at the time appointed by the council, and may be made by the council itself or by the valuers, if the council deem advisable.

Coming into
force of
amendment.
How to be
annulled.

91. Amendments so made to the valuation roll, come into force immediately.

Such amendments or any of them, may be annulled in the same way as the roll itself.

R. S., 4515,
replaced.

92. Article 4515 of the Revised Statutes is replaced for the town as follows :

When list of
electors is to
be made.

Within the thirty days next after the day on which a new valuation roll or the revised roll shall have come into force, the secretary-treasurer shall make for each ward, or for the town if the town is not divided into wards, an alphabetical list of the names of the persons, who according to such roll appear to be municipal electors.

SECTION IV

TAXES

Council may
levy assess-
ments upon :
Town lots,
&c.

93. The council may make by-laws to impose and levy the following annual taxes :

1. An assessment on every lot, town lot or portion of a lot, whether built upon or not, with all buildings and erec-

tions thereon, and on all other immoveable property, not to exceed one cent in the dollar of the real value of such property, as entered on the assessment roll of the town.

2. A special tax upon carters residing or doing business in the town ; upon proprietors or possessors of horses, teams, and vehicles whatsoever kept within the limits of the town ; upon brokers, commission merchants and exchange brokers ; upon pawn-brokers and auctioneers ; upon clubs ; upon proprietors or occupants of houses of public entertainment, hotels, saloons, inns, coffee-houses, restaurants, temperance hotels ; upon dealers in spirituous liquors ; upon peddlers or itinerant traders selling or offering for sale in the town articles of commerce of any kind whatsoever ; upon proprietors, possessors, agents, managers or occupants of theatres, circuses, menageries and minstrels ; upon public places of amusement kept open for profit ; upon all persons keeping billiard tables, mississippi or pigeon-hole tables, bowling alleys and other similar games ; upon livery-stable keepers and all persons working a laundry ; upon grocers, bakers, butchers, hawkers, hucksters, brewers, distillers and ice dealers ; upon traders ; upon proprietors and keepers of wood-yards, coal-yards and slaughter-houses in the town ; upon building societies ; upon insurance companies and their agents, canvassers, and employees ; upon gas and electric companies ; a tax not exceeding ten dollars upon telegraph and telephone companies doing business in the town ;

3. Upon all garbage contractors, proprietors, lessees or occupants of stables, yards or sheds kept for garbage, whether they carry on business within or without the limits of the town ;

4. Upon pastry-cooks and biscuit makers ; upon all persons keeping taverns ; upon all manufacturers or retailers of beer, soda-water, liquor or other merchandize whatsoever ; and upon every business, manufacture, occupation, trade, art and profession exercised or carried on within the town by any person, firm or company.

94. The amount of such annual dues or taxes shall be fixed and determined by the council in its discretion.

95. The persons or companies liable to the above business taxes shall be bound to pay the same on account of the business or industry which they carry on, or the trades, arts or professions which they exercise, within the town, even when they do not reside therein.

Special license for sales of bankrupt stock, &c.

96. The council may, moreover, by resolution or by-law, impose and levy, by special license, a sum not exceeding one hundred dollars on every person coming temporarily into the town to sell or cause to be sold any goods derived, in whole or in part, from a bankrupt stock, by public auction or private sale.

Tax on owners of dogs, &c. License required.

97. A tax not exceeding five dollars per annum on every person owning or keeping a dog or bitch in the town. The council may compel such owners or keepers to take out a yearly license or permit for each such animal, and the person owning or keeping a dog or bitch found at any time in contravention of the by-law to that effect, shall be liable to the penalty imposed by such by-law.

Tax for whole year even if business carried on for part only.

98. Every person who, during the fiscal year, carries on or practises any kind of business, trade or occupation which renders him liable to the business tax, shall be bound to pay the whole of such tax, whatever may be the period of the year at which the same may become due, unless the council remits a portion of such tax on account of the short time remaining to run.

Business tax for each branch.

99. The business tax shall be payable for the carrying on of each different branch or kind of business, trade or occupation, even when carried on by the same person, firm or company, when the capital employed shall exceed fifty thousand dollars.

Tax on bicycles, &c.

100. A tax, in the form of a yearly license, not exceeding two dollars, payable by the owner or person using such vehicles, may be imposed on every bicycle or tricycle or other similar vehicle used within the town by persons who are residents of the town. This provision shall not apply to such vehicles when used by children under ten years of age.

Proviso.

Ferries.

101. Regulate ferries under the control of the town, and determine the sums to be paid and the conditions to be observed for the granting of a ferry license; and no person may carry on the trade or business of boatman or ferryman, without having obtained a license to that effect from the council.

License for travelling salesmen.

102. The council may also, by by-law, prevent all persons residing outside the town limits from, either personally or through their employees, soliciting or taking orders for the delivery of goods, or offering such goods for sale without having previously obtained from the corporation the license required for that kind of business; but such license shall

not exceed one half of the ordinary license. The provisions of this article shall not apply to commercial travellers.

103. The council may also, by by-law, impose and levy, annually, a personal tax on every tenant paying rent, provided that such tax do not exceed three cents in the dollar on the amount or value of his rent according to the valuation roll.

SECTION V

LOANS

104. Article 4524 of the Revised Statutes is replaced for the town by the following :

Whenever the council contracts a loan, it is required to provide at once for the payment of the annual interest out of the revenues of the corporation or in any other manner the council may think fit. It may provide for a sinking fund, if it think fit.

105. Article 4529 of the Revised Statutes is replaced for the town as follows :

Loans, whether by the issue of debentures or otherwise, except the loan made under article 9 of this act, are only made under a by-law of the council to that effect, by a majority in number and in real value of the proprietors who are municipal electors and who vote.

106. Article 4530 of the Revised Statutes is replaced for the town as follows :

When the interest and the sinking fund of the sums borrowed by the corporation absorb one half the revenue of the town, the council shall not, in any case, contract a new loan without having been specially authorized thereto by the Lieutenant-Governor in Council, and moreover without having obtained the approval of the majority in number and in real value of the proprietors who are municipal electors and who vote.

Every by-law authorizing a loan by virtue of this article shall levy an annual special tax sufficient for the payment of the interest for each year. And a sinking fund of one per cent. per annum may be levied by the same by-law, if such form of extinction of the debt have been adopted by the council.

R. S., 4533,
replaced.

107. Article 4533 of the Revised Statutes is replaced for the town as follows :

Holding of
poll, &c.

The poll is held and presided over by the mayor with the assistance of the secretary-treasurer.

It is held for one juridical day, from nine in the morning to five in the afternoon.

TITLE III

MISCELLANEOUS PROVISIONS

Town divided
into wards.
Names of
wards.
Change in
limits and
names of
wards, &c.

108. The town shall continue to be divided for the purposes of representation in the council into three wards, namely the East, Centre and West Wards.

The council may, nevertheless, by by-law, change the limits and names of the wards, and also the number of representatives for each ward.

Exemption in
R. S., 4500,
not to apply
to water
rates, &c.

109. The exemption set forth in article 4500 of the Revised Statutes does not apply to the water-rate nor to the assessments imposed for the cost of drains or sewers or for the cost of making or repairing sidewalks, nor to any other special tax, neither does such exemption apply to property owned by *fabriques*, religious, charitable or educational institutions or corporations for the purposes of deriving a revenue therefrom or of speculation.

Power of
constable to
arrest on
view.

110. Any constable or police officer of the municipality may, without being thereunto required by the chief or by a member of the council, or by the council itself :

Apprehend or arrest on view any person found contravening the provisions of a municipal by-law, punishable by fine, if it be so ordered by the by-law, and take him before a justice of the peace to be there dealt with according to law.

Arrest of
loose, idle,
and disorderly
persons.

111. Arrest on view, and without warrant, any person, he finds disturbing the public peace, or lying, wandering or loitering, by day or night, in any road, street, field, yard or other place, lodging, or sleeping in any barn, shed or other unoccupied building, or under a tent, cart, or other vehicle, and not giving a satisfactory account of himself, any gipsy, and also any person shouting, playing or making a noise in any public street, road or lane, or on any wharf or bridge, or in any place within the limits of the town, and also any person begging without a written authorization, signed by the parish priest, or the mayor, or the minister of any religious denomination whatsoever.

112. To facilitate the payment of municipal taxes of all kinds, the council may, by resolution or by-law, allow a discount not exceeding five per cent. on taxes paid within the time specified by the said resolution or by-law. Discount on taxes.

The school commissioners and trustees of the town shall have the same privilege as regards the payment of the school tax. Id. on school taxes.

113. Articles 4560 and 4590 of the Revised Statutes are replaced for the town by the following : R. S., 4560 and 4590, replaced.
 The council may by by-law impose a fine not exceeding one hundred dollars for the infringement of any municipal by-law of the town, and, in default of payment of such fine or the sum fixed by the court and costs by the offender, immediately or within the delay fixed by the court, an imprisonment not exceeding three months. Penalty for infringement of municipal by-laws.

The said punishments can be inflicted by the court only in so far as they are enacted by the by-law relating thereto.

The imprisonment shall cease, nevertheless, upon payment of the sum due.

The imprisonment shall liberate the person undergoing it from the obligation of satisfying the judgment pronounced against him.

114. If any person claim and pretend to have been injured by an accident or casualty, for which he intends to claim damages or compensation from the town, he shall, within sixty days from the date of such accident or casualty, serve a written notice upon the town of such intention, containing the particulars of his claim, and stating his own domicile. The action must be brought within six months from the date of the accident or casualty, but not before the expiration of fifteen days after the said notice. Notice to be given by persons claiming damages. Prescription for such actions.

115. The proprietor of an immoveable adjoining or bordering on the limits of the town, may, upon giving notice to the municipal council of the town, and with the consent of the two municipalities interested given by resolution in the ordinary manner, demand and obtain that the said immoveable be included within the limits of the town, and so, successively, any other proprietor possessed of an immoveable adjoining the immoveable thus included in the limits of the town, as aforesaid ; and when these immoveables have been so declared annexed, the proprietors thereof have and possess all municipal privileges and are submitted to all by-laws, obligations, rights and duties conferred and imposed upon persons and immoveables originally included in the limits of the town. The territory annexed forms part of the adjoining ward. Annexation of territory by consent of proprietor, &c.

How approval of by-laws by electors is ascertained. **116.** Every by-law which must be submitted to the approval of the municipal electors, whether in virtue of the present act or of any other law, shall be approved by the majority in number and real estate value of the proprietors who are municipal electors and who vote.

Application of article. This article shall apply preferably to any other contrary or incompatible provisions of law.

TITLE IV

RECORDER'S COURT

Establishment of recorder's court. **117.** The town council may, by by-law, establish, maintain, abolish and again re-establish a Recorder's Court, which shall be presided over by the recorder appointed in the manner hereinafter prescribed.

Where to be held. The sittings of the said court shall be held at the town-hall, or at such place as the council may determine for the purpose.

Appointment of recorder. **118.** The recorder shall be appointed by the Lieutenant-Governor in Council on the recommendation of the town council; he shall be *ex-officio* a justice of the peace in and for the district of Montreal, and shall be vested with all the rights and powers and with all the authority of one or two justices of the peace and of the Recorder's Court.

Recorder to be a notary, &c. **119.** The recorder shall be a notary or a member of the Bar of the Province of Quebec; and the acceptance of such office and the exercise of the duties thereof shall not disqualify him from practising his profession before courts of justice other than that over which he presides, any law or by-law to the contrary notwithstanding.

Salary of recorder. **120.** The recorder's salary shall be, from time to time, fixed by a resolution of the council.

Appointment of substitute and clerk, &c. **121.** The council may, by by-law, determine how the recorder shall appoint a substitute and clerk, and fix the remuneration of each.

Law to govern court and its officers. **122.** The Recorder's Court and all its officers shall be governed by the provisions contained in title sixteen of the act 52 Victoria, chapter 79.

Coming into force. **123.** This act shall come into force on the day of its sanction.

SCHEDULE A.

You swear that you are (*name, residence and occupation of the elector, as entered on the list*), whose name is entered on the list of electors now exhibited to you (*showing the list to the elector*); that you are a British subject; that you are over twenty-one years of age; that all your taxes, assessments and municipal and school dues, now payable, have been paid in accordance with the law and by-laws of this town; that you have a right to vote at this election, and that you have not received anything, nor has anything been promised you, either directly or indirectly, to induce you to vote at this election. So help you God.

QUEBEC : Printed by CHARLES PAGEAU, Printer to the Queen's Most Excellent Majesty.