

CAP. LXXI

An Act respecting the village of Verdun.

[Assented to 10th March, 1899.]

WHEREAS the corporation of the village of Verdun has, Preamble.
 by petition, prayed for an act to amend the acts 40
 Victoria, chapter 41, and 60 Victoria, chapter 69, respecting
 the said village, and to extend the powers conferred upon it
 by said acts, and whereas it is expedient to grant the said
 prayer ;

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

1. Section 3 of the act 60 Victoria, chapter 69, is amended 60 V., c. 69,
s. 3, amended.
 by adding thereto the following :

“ 6. To impose and levy a special tax upon resident carters Special tax
upon certain
trades and
callings.
 doing business in the municipality ; upon proprietors of
 horses and vehicles, for each horse or vehicle ; upon brokers,
 money-lenders or commission merchants ; upon pawnbrokers
 and auctioneers ; upon clubs ; upon proprietors or occupants
 of houses of public entertainment, hotels, saloons, inns, coffee-
 houses, restaurants, temperance hotels ; upon dealers in spirit-
 uous liquors ; upon peddlars selling or offering for sale in the
 municipality articles of commerce of any kind whatsoever ;
 upon proprietors, possessors, agents, managers or occupants
 of theatres, circuses, menageries or minstrels ; upon public
 places of amusement kept open for profit ; upon billiard tables,
 mississippi or pigeon-hole tables ; upon bowling alleys and
 other similar games ; upon livery-stable keepers ; upon gro-
 cers, bakers, butchers, hawkers, hucksters, brewers, distillers ;
 upon traders and manufacturers and their agents ; upon pro-
 prietors and keepers of wood-yards, coal-yards and slaughter
 houses in the municipality ; upon building societies, insur-
 ance companies and their agents and employees whether
 they reside in the municipality or not ; upon gas, telegraph
 or telephone and other companies doing business in the
 municipality, and generally on all commerce, manufactures,
 callings, arts, trades and professions which have been or may
 be introduced or exercised in the said municipality ; and the
 amount of such annual dues or tax or taxes shall be fixed and
 determined by one or more by-laws of the municipality, and
 shall be fixed and determined by the council in its discretion,
 either in certain cases at a specified sum or in other cases at
 a percentage upon the annual value of the property and prem-
 ises occupied by the said persons in the municipality, and
 in or upon which they do business or carry on or exercise
 such trade, manufacture, occupation, business, art, profession,
 or means of livelihood or profit ; provided that in no case

shall any of such amounts exceed one hundred dollars per annum, and provided there is nothing herein inconsistent with any public statute.

Payable annually.

Discount for prepayments.

Every tax or assessment imposed by virtue of the foregoing provisions shall be payable annually, at the time fixed by such by-law; and a discount for prepayment may be allowed.

Id., sections added.

2. The said act 60 Victoria, chapter 69, is amended by adding thereto the following sections :

Special tax may be in the form of licenses.

“**1.** The council may order that every special tax imposed on trades, business or corporations, in the discretion of the council, be imposed and levied in the form of a license, and thereupon such special tax shall be payable annually, at such time and under such conditions and restrictions as the council may determine.

Special license for sale of bankrupt stocks, &c.

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

Persons carrying on business liable to full tax although only carried on for part of year. Proviso.

“**6.** 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.

License may be required for non-residents.

“**7.** The council may, by by-law, prevent any person residing beyond the limits of the municipality, from carrying on his trade or business within the municipality, without being authorized thereto by a license from the municipality for the purpose of such trade or business.

License may also be required for persons soliciting orders, &c.

“**8.** The council may also, by by-law, prevent all persons residing outside of the municipality from, either personally or through his 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.

Commercial travellers.

The provisions of this and of the preceding article shall not apply to commercial travellers.”

Certain agreement ratified.

3. The agreement, appendix A of this act, between the municipality of the village of Verdun and the Montreal Street Railway Company, executed at Montreal, before John

Fair, N. P., on the 5th day of January, 1899, is hereby ratified and confirmed.

Nothing in this clause shall affect the rights of third parties. Rights of third parties.

4. The island, situated in the river St. Lawrence, and known under the name of Isle St. Paul, shall be regulated and governed by the county council and by its officers in the same manner as if the said island was a distinct municipality. Provisions respecting Isle St. Paul and its government.

The island shall, however, as heretofore, form part of the dissentient Roman Catholic school municipality of Verdun.

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

APPENDIX A.

Before Mtre. JOHN FAIR, the undersigned Notary Public for the Province of Quebec, residing and practising at the city of Montreal.

APPEARED :

THE CORPORATION OF THE MUNICIPALITY OF THE VILLAGE OF VERDUN, a body politic duly incorporated, having its seat of business at the village of Verdun, in the county of Hochelaga ;

Herein acting by HENRY HADLEY, the mayor, and JOHN CRAWFORD, a councillor of the said village of Verdun, both residing at Verdun aforesaid, and duly authorized for the purposes hereof, in virtue of a resolution passed at a meeting of the council of said village, held on the third day of January instant, whereof a certified copy is hereto annexed, to form part hereof, after being signed by the parties hereto and said notary,

Of the one part

AND THE MONTREAL STREET RAILWAY COMPANY, a body politic and corporate, duly incorporated, having its head office at the city of Montreal, (hereinafter called the "company") :

Herein acting and represented by the Honorable LOUIS JOSEPH FORGET, senator, the president, and MARTIN H. WATTS, the secretary thereof, both residing at the said city of Montreal, and both duly authorized for the purposes hereof, in virtue of a resolution of the directors of said company passed at their meeting held on the fourth

day of January instant, whereof a certified copy is hereto annexed, after being signed by the parties hereto and said notary,

Of the other part.

Whereas, in the interests of the said municipality, and its inhabitants, it is urgent that a street railway service be established as soon as possible in the said municipality ;

NOW THEREFORE THESE PRESENTS AND SAID NOTARY WITNESS that the said parties have entered into the following contract and agreement :

First.—The said company shall establish and operate, subject to the conditions hereinafter mentioned, lines of railway, in the streets hereinafter mentioned, for the conveyance of passengers, freight and mails, in the village of Verdun, by means of cars propelled by electricity or other motive power employed by the company in the city of Montreal :

1. From the present terminus of the company's line on Wellington street at the western limits of the city of Montreal, along the Lower Lachine turnpike road, within the municipality of Verdun to its junction with Mullarkey avenue, thence westerly along a street within the municipality of Verdun, known as Wellington street, as far as Rielle avenue, the distance being about five thousand feet, more or less.

2. The company undertakes to extend its line to the western limits of the municipality, either along the turnpike road, known as the Lower Lachine road, or another route to be mutually agreed upon, as soon after the first day of May next (1899) as the season will permit.

3. The company also undertakes to construct its railway, from time to time, hereafter, in such other streets as may be determined by mutual consent when the public service is shown to require it.

Second.—The said village hereby grants to the company the exclusive franchise for operating street railways within the limits of the village for thirty years, with exemption from all municipal taxation with respect to the railway and all property used in connection therewith, and undertakes at the next session of the Legislature of Quebec to apply for confirmation of said grant and exemption. The said municipality undertakes not to consent to the construction or operation of any lines of street railway within the limits of the village by any other person or corporation. The company undertakes to construct and operate the lines of railway above-mentioned in consideration of and relying on the above grant and undertakings.

Third.—The said village of Verdun shall grant to the said company all rights and privileges necessary for the proper

and efficient use of electric or other approved motive power (should the said company desire to adopt any improved motive power) to operate cars in the said streets of the said village in the manner successfully in use elsewhere, including the right to open the said streets for the purpose of inserting and maintaining and the right to insert and maintain ties, rails, poles and all other apparatus necessary for constructing the said railway and for supporting the wires conveying electric power. The right of way for all lines shall be provided by the said village of Verdun, by whom also all necessary grading shall be done to the full width of the streets as homologated, and the said village shall also provide all necessary bridges, drains and culverts in order to ensure the protection of the company's tracks against floods or wash-outs.

Fourth.—All the works necessary for constructing and laying down the said several railway tracks (including the location of the tracks) in the said several streets shall be made with care, according to the most modern scientific principles.

Fifth.—The guage of the said railway shall be four feet eight and one-half inches.

Sixth.—The pattern of rail to be used by the said company shall be the "T" (tee) or locomotive rail, until asphalt, wooden block or other permanent pavement shall be made in one or more of the streets used by the said company, and then, as each of such streets is so paved, the said company obliges itself to remove, at its own expense, the said "T" (tee) rail and to place in its stead such other rail as is in general use in the said city of Montreal in paved streets.

Seventh.—The said company, in the construction of the said railway tracks, shall, subject, however, to clause three of this agreement, conform to the grades of the streets through which the said tracks shall run, as furnished by the municipality, and shall not in any way alter the same.

Eighth.—In the construction of the said railway, the said company, after having made the excavations and laid down the rails and other apparatus belonging to the road, shall remove all the surplus earth and other material arising from said excavations, and shall, at its own expense, reconstruct that part of the streets wherein such excavations have been made, in order to restore it to its original condition; but should the said village take advantage of such excavations to substitute another kind of pavement in such street or streets (in whole or in part), then the said village shall be entitled to recover from the said company an amount equal to the expenditure to which the latter would have been put if the portion excavated had only had to be restored to its original condition. The said village shall provide the said company

with a convenient dumping place for such surplus earth and other materials, at a distance not greater than one mile from their place of origin.

Ninth.—The said company shall have the right at all times to open any of the streets of the said village for the necessary purposes of its business ; but in such cases the said company shall restore the said streets to the condition in which they were before being so opened by them.

Tenth.—If, at any time after the rails of the said company shall be laid, a new grade be established in any street where the rails of the said company are laid, or if a new pavement be ordered to be made and be laid by the said village in any such street, the said company shall perform the necessary work to conform its tracks to such new grade of pavement ; the cost of such work, however, to be re-imbursed to the said company by the said village.

Eleventh.—The said village shall have the right to take possession of and use any of the streets traversed by the rails of the said company, or any section thereof, that may be required, either for the purpose of altering the grade thereof or for constructing or repairing drains or for laying down or repairing water, sewage, or gas pipes or for other purposes within the rights and privileges of the said village, and the said company shall not be entitled to claim any compensation or damages therefor ; the tracks in such cases to be relaid by the said company at the expense of the said village ; provided, however, that such works be performed with all despatch and in such a manner as to hinder or delay as little as possible the running of the company's cars, and provided also that the cost of any temporary facilities found necessary for the running of the said cars during the carrying on of such works shall be borne by the said village.

Twelfth.—No person shall enter or leave the cars while in motion.

Thirteenth.—The conductors shall speak both languages and shall announce in both languages to the passengers the names of the streets as the car reaches them.

Fourteenth.—The route through which each car has to run shall be conspicuously marked on the outside.

Fifteenth.—Each car or other vehicle used by the company shall be numbered on the outside.

Sixteenth.—Each car shall be supplied with a gong which shall be sounded by the driver whenever necessary to warn the public of the approach of the cars.

Seventeenth.—The company shall be entitled to charge a fare of five cents each way for the conveyance of a passenger to or from any point in the said village of Verdun within

a distance of one mile from the said terminus of its said Wellington street line at the said western limits of the said city of Montreal from or to any point in the said city of Montreal, the city of St. Henry, the city of Ste Cunégonde, the town of Westmount, and the town of Maisonneuve, except between the hours of twelve p. m. and six a. m., when they shall have the right to charge ten cents, without transfer. Provided a passenger is travelling continuously by the shortest route and always in a direction away from the point at which he embarked upon the cars, he shall be entitled to a transfer without additional charge at any point where the routes connect or intersect. Children in arms shall be conveyed "free of charge." Between the said one mile limit and any point beyond the same the company shall be entitled to charge an extra fare between six a. m. and twelve p. m., payable in cash or its equivalent in tickets, and a double extra fare, without transfer, between twelve p. m. and six a. m., payable in cash.

Eighteenth.—The said company shall also be held to sell, in all its offices and cars, tickets at the rate of six for twenty-five cents and twenty-five for one dollar, and to provide tickets for school children residing in the said village or its vicinity, at the rate of ten for twenty-five cents; and the said company shall also sell eight tickets for twenty-five cents, available on all week days at the hours at which similar tickets are available in the city of Montreal.

Nineteenth.—The cars shall run from six of the clock in the morning to twelve of the clock in the evening on all lines, with the privilege to the company of running to six of the clock in the morning. After midnight to six of the clock in the morning, the fares shall be as provided in clause seventeen of this agreement.

Twentieth.—The cars shall run at intervals of twenty minutes.

Twenty-first.—The said company shall hold the said village harmless and indemnified against all damages which may be occasioned to any person by reason of the construction, maintenance, repairs or operation of the said railway, except such damages as may be caused by the removal or non-removal of the snow, as provided in clause twenty-three of this agreement, in which case the damages are to be borne by the said village.

Twenty-second.—When the said company shall begin work in any street, it shall be held to pursue the same diligently and without avoidable interruption.

Twenty-third.—The said company shall clear its tracks of ice and snow by the aid of electrical sweepers or other mechanical devices, or by manual labor, and the said village

shall remove such snow and ice from the streets in which the company's lines are operated, together with all other snow and ice either thrown or falling into the said streets, in such a manner that the depth of snow and ice upon the said streets shall never exceed about six inches, one-half of the expense of such removal to be borne by the said village and the other half by the said company.

Twenty-fourth.—The cars and carriages of the said company shall have the exclusive right of way along the streets where its rails are laid, and all other vehicles using the said street, whether meeting or proceeding in the same direction as the said cars or carriages, shall turn out of the track of the said railway, and permit the said cars and carriages to pass, and shall, in no case and under no pretence whatever, obstruct or hinder the passage thereof and the free use of the said railway by the said cars and carriages of the said company.

Twenty-fifth.—At the expiration of the said term of thirty years, and at the expiration of every term of five years thereafter, the said village shall have the right, after a notice of six months to the said company, to be given within the twelve months preceding the expiration of the said thirty years, and also, after a like notice of six months, at the end of every subsequent five years, to assume the ownership of the said railway and all its real estate, appurtenances, plant and vehicles belonging to the said company, situate in the said village of Verdun, and necessary for the operation of its line, on payment of their value, to be determined by arbitrators, together with an additional ten per centum thereon, said arbitrators to be appointed as follows, viz: one by the said company, one by the said village, and the third by a judge of the superior court sitting in and for the district of Montreal.

Twenty-sixth.—In case the said company shall, at any time, after being duly notified, fail to comply with, or should it contravene any of the conditions or obligations imposed upon it by these presents, the said company shall be liable to, and shall incur a penalty not exceeding ten dollars (\$10.00) for each and every day it shall neglect to comply with or shall contravene any of said conditions or obligations, and the penalty imposed by this present clause shall be recoverable in the same manner as other fines and penalties. The enforcement of this clause shall devolve upon the mayor, as representing the said village, or such other person or persons as may be hereafter appointed by the council of the said village.

Twenty-seventh.—The obtaining of the confirmation above-mentioned by the village is a condition precedent to the obligation of the company to construct or operate the railway.

Twenty-eighth.—The said village and said company shall pay the costs of these presents, and of two authentic copies hereof for themselves, in equal shares.

WHEREOF ACTE,

Done and passed, at the said city of Montreal, on this fifth day of January, eighteen hundred and ninety-nine, and of record in the office of the undersigned notary, under the number seven thousand eight hundred and forty-seven.

And the said appearers, after due reading hereof, signed in presence of the said notary.

(Signed) HENRY HADLEY,
Mayor.

“ JNO. CRAWFORD.

For the Montreal Street Railway :

“ L. J. FORGET,
President.

“ MARTIN H. WATTS,
Secretary.

“ JOHN FAIR, *N. P.*

A true copy of the original hereof remaining of record in my office.

(Signed) JOHN FAIR, *N. P.*

CAP. LXXII

An Act to amend the act respecting the school commissioners for the municipality of the town of Westmount and to make certain provisions respecting school taxes in the said town.

[Assented to 10th March, 1899.]

WHEREAS the said school commissioners have, by their Preamble. petition, represented, that it has become necessary to provide additional school accommodation in the municipality, and to simplify the manner of collecting school taxes therein, and that the powers hitherto vested in the said commissioners are insufficient for such purposes and should be enlarged and further provision made as hereinafter set forth, and