

CAP. LXV.

An Act to amend the charter of the town of Maisonneuve.

[Assented to 9th January, 1897.]

Preamble.

WHEREAS the town of Maisonneuve has, by petition, represented that it is necessary to amend its charter, and it is expedient to grant the prayer of the said petition;

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

46 V., c. 82,
s. 140, re-
placed.

1. Section 140 of the act 46 Victoria, chapter 82, is replaced by the following :

Fiscal year.

"140. The fiscal year for the town of Maisonneuve shall run from the first of January of one year to the first of January of the following year, and at the end of each year the books of account of the town shall be audited and balanced.

Taxes, &c.,
however,
deemed to be
levied from
1st May to 1st
May.

But the taxes and annual assessments, the taxes for schools, water and light, or other annual dues, shall be deemed to be imposed and levied for the period comprised between the first day of May in each year and the same date in the following year, if it be not otherwise provided by a resolution of the council."

Id., s. 17,
replaced.

2. Section 17 of the said act, as amended by section 2 of the act 51-52 Victoria, chapter 89, is replaced by the following :

Power to levy
taxes for
certain
purposes :

"17. In order to raise the necessary funds to meet the expenses of the council, and to provide for the several public improvements necessary and advantageous for the maintenance of the property of the town, and to cover all the expenses of management, generally, made in the interest of the town, the town council shall be authorized to levy annually, by simple resolution or by by-law, as it may deem proper, on persons and on moveable and immoveable property in the town, all general or special taxes, contributions, licenses or other dues hereinafter designated :

On certain
lands ;

1. On all lands, town lots and parts of town lots, with all the buildings erected thereon, if any, a sum not exceeding one cent and one quarter in the dollar on their total value, as entered on the valuation roll ; the property and the proprietor personally being responsible for such assessment ;

Certain prop-
erty on Onta-
rio 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 their 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 at the request of the proprietors, the abutting lots shall fall under the common law.

3. On the owner or possessor of the following moveable property, a sum not exceeding two cents in the dollar, according to the values hereinafter specified, namely :

On owners or possessors of certain moveables;

- (a.) Every stallion, at four hundred dollars ;
- (b.) Every horse kept for hire, at sixty dollars ;
- (c.) Every horse above the age of three years, and kept for ordinary domestic purposes, at fifty dollars ;
- (d.) Every bull, at fifty dollars ;
- (e.) Every ram, at twenty dollars ;
- (f.) Every head of horned cattle, two years of age and over, at twenty dollars, and every pig, at ten dollars ;
- (g.) Every covered carriage with four wheels and two seats, at one hundred dollars ;
- (h.) Every open carriage with four wheels and two seats, at eighty dollars ;
- (i.) Every gig or light waggon with one seat, at forty dollars ;
- (j.) Every two-horse sleigh, at eighty dollars ;
- (k.) Every one-horse sleigh, at forty dollars ;

Every winter or summer vehicle and all horses, implements and moveables used or intended for agricultural or farming purposes only, are exempt from taxation ;

4. On each tenant or occupant paying rent in the town, an annual tax not exceeding three cents in the dollar on the amount of his rent, or on the yearly value of the immoveables occupied by him ;

On tenants, &c. ;

5. On each male inhabitant of the age of twenty-one years or over, who shall have resided in the town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum not exceeding five dollars ;

On persons, &c. ;

6. On every person keeping or having in his possession a goat or dog, in the said town, an annual sum of two dollars for each animal ;

On persons keeping dogs or goats ;

7. On every person keeping or having a bitch in his possession, a sum not exceeding six dollars for each.

On persons keeping bitches.

The possessor of the animals and articles above enumerated shall be reputed to be the owner thereof, and be taxed accordingly, saving his recourse, if any, against the real proprietor.

Persons deemed to be owner.

The tax imposed on such animals or objects, shall not apply to horse dealers nor to carriage dealers or manufacturers as regards the horses and vehicles which they buy, make or possess for the purpose of selling the same in the ordinary course of their trade.

Tax not to apply to dealers.

8. It shall be lawful for the town, for the purposes above mentioned, to levy an annual license or tax :

Power to levy license or tax ;

On proprietors, &c., of houses of public entertainment, and on traders, brokers, &c., generally.

(a.) On all proprietors or occupants of houses of public entertainment, private boarding-houses, taverns, hotels, coffee-houses, and eating-houses; on all retailers of spirituous, vinous or fermented liquors; on all pedlars and itinerant traders selling, in the town, articles of commerce of any kind whatsoever; on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, menageries and other similar shows, billiard-rooms, ten-pin alleys, or other places for games or amusements of any kind whatsoever; on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers, distillers and bottlers; on all merchants, traders and manufacturers and their agents; on all proprietors or keepers of wood-yards or coal-yards, and slaughter-houses; on all brokers, money-changers or exchange brokers, pawn-brokers and their agents; on all bankers and banks, and all agents of banks; on all building societies and insurance companies or their agents; on all agents, commission merchants or persons acting for others; on all telegraph, telephone, electric and gas companies, or their agents or operators; on all manufacturers of spruce beer and root beer, and the agents and agencies of each of them; on all brickmakers, soap boilers, lumber merchants, proprietors or occupants of mills, driven by water, steam or electricity, and of tanneries or laundries; on all scales; on all bailiffs and druggists residing within the town, and on all railway companies whose cars are driven by steam, electricity, or other motive power, and which run through the municipality, or companies having steam or sailing vessels or ferry-boats running from any place in the municipality; on all proprietors or keepers of boats, yachts or canoes for hire; on all refineries, and, generally, on all business, manufactures, occupations, arts, industries, trades and professions which are now or may be introduced and exercised in the town by any persons, firms or companies, either on their own account or as agents for others, temporarily or permanently, whether they reside or not in the said town.

Licenses may vary in favor of residents.

Such license or tax may be different for the same business, art, industry, manufacture, occupation or trade, according as the persons exercising the same reside in the town or outside of the same.

Commercial travellers exempt.

(b). The only persons exempt from such license or tax shall be commercial travellers, that is to say persons selling on sample, when travelling for and on behalf of a business establishment, who do not deliver goods.

Amount to be fixed by resolution or by-law.

(c). The amount of such respective annual licenses or taxes shall be fixed and determined by a resolution or by by-law of the council of the town and shall be fixed and determined by the council in its discretion, either by a specific annual amount or by percentage on the annual value

of the property occupied by the said persons in the town, and in or upon which they carry on such business, manufacture, occupation, trade, art, profession or means of profit or livelihood; provided that in no case shall such licenses or taxes exceed one hundred dollars per annum.

(d). In default of taking out such license, the offender shall be liable to a fine not exceeding one hundred dollars for each offence, and, in default of payment of the said fine and costs, to an imprisonment not exceeding one month. Fine if license not taken out.

(e). Every license signed by the secretary-treasurer shall give the bearer the right to carry on his art, trade, occupation, business or industry up to the first of May following. If a license is issued without the amount due thereon being previously paid, it shall be null and void." Rights conferred by license.

3. The following subsections are added to the said section 17: Subsections added to id., s 17.

"9. Every person who, during the fiscal year, carries on or practises any kind of business, trade or occupation which renders him liable to the license or business tax aforesaid, is bound to pay the full amount thereof, or such proportion as may be determined by the council, by resolution or by-law. Persons requiring licenses for part of year only.

"10. The business tax is chargeable for the exercise of each such trade, business or occupation, even if several kinds of business are carried on by the same person, firm or company. Business tax chargeable on each trade, &c.

"11. The council may, by special assessment and as set forth in articles 4547 of the Revised Statutes, levy moneys for any object whatsoever within the scope of its powers, upon all kinds of property, or solely upon immoveables, or even upon a portion of either within the limits of the town, over and above the general and annual tax; provided such tax does not exceed three-quarters of a cent in the dollar on the total value of the said immoveables as shown on the valuation roll. Power of council to levy special assessments.

"12. The town may levy a tax not exceeding one dollar on bicycles, and also upon tricycles and other similar vehicles used in the town by the residents therein; this shall not apply to such vehicles used by children under ten years of age. Tax on bicycles.

"13. The town may impose an annual tax not exceeding one hundred dollars on every incorporated company or person having posts erected in the streets of the town, provided that such companies or persons or their agents, do not already pay a tax under subsection 7 of this section." Tax on posts planted in streets of town. Proviso.

4. Section 15 of the act 46 Victoria, chapter 82, as replaced by section 12 of the act 56 Victoria, chapter 57, is again replaced by the following: Id., s. 15, replaced.

Power to borrow money for improvements, &c.

“ **15.** It shall be lawful for the town to borrow, upon the credit of the town, such sum or sums of money as the council may deem advisable to borrow, in order to effect improvements in the town, to erect public buildings, to drain streets, or to provide the town with water and light, and finally for all purposes which the council may deem useful or necessary ; but the amount borrowed by the issue of bonds or debentures and remaining unpaid shall not, at any time, exceed twenty-five per cent of the total assessed value of the real estate in the town, according to the valuation roll in force on the day of the sanction of this act.”

Time for holding annual general elections.
Nomination.
Polling.

5. The general and annual elections in the town shall be held in the month of March of each year.

The nomination shall take place at the hour of ten in the morning, on the second Monday of March, and the voting when necessary, shall take place on the third Monday of the same month.

Present mayor and councillors continued.
Power of council in such case.

The present mayor and councillors, whose term of office shall expire in January next, shall remain in office until the next elections ; provided that, during the prolonged term, the town council shall be restricted to simple acts of administration, without being able to effect any loan, levy any tax, enter into any contract, grant any bonus or begin any public works.

Qualification of mayor and councillors.

No person can be elected mayor or councillor, or occupy either of such offices, unless :

1. He is of the male sex, of full age and a subject of Her Majesty ;

2. He is able to read and write ;

3. He has had his residence or place of business within the limits of the town during the six months preceding his election ;

4. He possesses, for at least twelve months, in his own name or in the name of his wife, immoveable property of the value of two thousand dollars over all charges and hypothecs upon the same for the office of mayor, and one thousand dollars for that of councillor.

46 V., c. 82 s. 6, replaced.

6. Section 6 of the act 46 Victoria, chapter 82, is replaced by the following :

Term of office of mayor and councillors.

“ **6.** The mayor and councillors shall be elected for two years, subject to the provisions of section 5 of this act.”

Powers of council may be exercised by by-law or resolution.

7. With the exception of the by-laws which have to be submitted for the approval of the municipal electors who are proprietors, the council of the town may exercise its power either by by-law or resolution.

By-laws to be public laws.

The by-laws of the town shall be deemed to be public laws in the town, and as such cognizance thereof shall be

taken judicially by every judge or other person without its being necessary to specially allege them.

8. Notwithstanding article 4404 of the Revised Statutes, and in the spirit of the said article, permission is hereby granted to the town to grant aid to any railway, manufactory, brewery, distillery or other industrial or commercial establishment now established or which may wish to establish themselves within the limits of the town, by giving or undertaking to give them land for their buildings and operations, provided such bonus to any one company shall not exceed ten thousand dollars. The town may acquire such land or lands, either for cash or on credit.

Power to grant aid to railways, &c.

The aid or bonus for the purchase of the land in the town required for their operations to wit : three thousand five hundred dollars to the "Imperial Brush Manufacturing Company" for a brush factory, nine thousand dollars to the "Watson-Foster Company" for a wall-paper factory, and ten thousand dollars to the syndicate of "Prefontaine, Sénécal, Sarrazin and others, and their successors, for a brewery, is, in each case, declared valid and confirmed.

Certain grants granted declared valid.

The rights and privileges granted by the said town of Maisonneuve to the Montreal Island Belt Line Railway Company are declared valid and ratified and confirmed.

Certain rights, &c., ratified.

9. The town council may, by resolution, issue promissory notes, with or without interest, payable at such places and on such terms and conditions as it may deem advisable for paying the debts of the municipality, meeting judgments, settling accounts or other current matters. Such notes shall be signed by the mayor or a councillor designated in the resolution, and by the secretary-treasurer, or in his default, by his assistant.

Issue of promissory notes authorized.

10. Section 7 of the act 46 Victoria, chapter 82, is replaced by the following :

Id., s. 7, replaced.

"7. 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, has complied with the following conditions :

Qualification of electors.

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

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, as an institute in a substitution, 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 belongs in-

dividually to several owners, each of them shall be entitled to a vote by reason of his share ; provided that, according to the valuation 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* resident of the town for at least six months.

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

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."

R. S., 4532, re-
placed for
town.

Meeting of
proprietors
who are
electors.
Presiding
officer.
Secretary.

11. Article 4532 of the said Revised Statutes is replaced, for the town, by the following :

For such purpose, a meeting of all municipal electors who are proprietors is convened for a day fixed by the council, by a public notice signed by the mayor ;

Such meeting is presided over by the mayor or by the person designated by the council, and the secretary-treasurer acts as secretary ;

Demand for
poll.

Six electors present, qualified to form part of such meeting, may require a poll for the purpose of ascertaining whether the by-law is approved or disapproved ; and, on such demand, the mayor or officer presiding shall fix, within the eight days next ensuing, a day for the opening and holding of the poll.

R. S., 4533,
replaced for
town.

Holding of
poll.

12. Article 4533 of the said Revised Statutes is replaced, for the town, by the following :

The poll shall be held and presided over by the mayor or by the person designated by the council, with the assistance of the secretary-treasurer.

It is held for one juridical day, from ten o'clock in the morning until five o'clock in the afternoon.

Coming into
force.

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