

CAP. LXVI.

An Act to revise the acts respecting the incorporation of the town of Côte Saint Paul.

[Assented to 9th January, 1897.]

WHEREAS the corporation of the town of Côte Saint Paul Preamble has, by petition, represented that it is necessary to revise the act 57 Victoria, chapter 64, respecting the said corporation, to give it more ample and better defined powers and to change its corporate name; and 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.

TEMPORARY PROVISIONS.

1. The act 57 Victoria, chapter 64, and the laws amending it are repealed in so far as they are inconsistent with the provisions of this act. 57 V., c. 64, &c., repealed.

2. The corporation hereby constituted succeeds to the rights, privileges, obligations, property, claims and actions of the corporation existing under the act repealed by article 1, and this act shall not have the effect of dissolving the latter corporation, nor of repealing any provision of law not inconsistent with the provisions of this act. Town under this act succeeds to that under 57 V., c. 64.

3. The present mayor and councillors of the town of Côte St. Paul shall remain in office until removed or replaced by the council. Present mayor and councillors.

4. The present municipal officers and employees of the town shall likewise remain in office until removed or replaced by the council. Present municipal officers.

5. All *procès-verbaux*, assessment rolls, titles, accounts, dues, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, undertakings, and all municipal acts whatsoever, passed and agreed to by the council of the town or former village of Côte Saint Paul, shall continue to have their full effect until they are cancelled, amended, resiliated or accomplished. Existing *procès-verbaux*, &c.

6. All notes, bonds, debentures and obligations, and all securities and engagements whatsoever, subscribed, accepted, endorsed, issued or contracted by the council of the Notes, &c., to have their legal effect.

town or former village of Côte Saint Paul up to the coming into force of this act, shall continue to have their legal effect, notwithstanding the passing of this act.

TITLE I.

ORGANIZATION OF THE CORPORATION.

SECTION I.

INCORPORATION OF THE TOWN.

- 7.** The territory comprised within the present limits of the town or former village of Côte Saint Paul shall continue to be erected into a town municipality, under the name of "The town of Saint Paul," and the inhabitants of the said town shall continue to be constituted a town corporation, under the name of "The town of Saint Paul."
- 8.** The town of Saint Paul is governed by the provisions of the law respecting town corporations contained in chapter first of title eleventh of the Revised Statutes, except where specially derogated from by this act or when the latter contains provisions inconsistent therewith.
- 9.** The town of Saint Paul may annex itself to the city of Montreal, and such annexation shall be effected in the manner prescribed by the charter of the city of Montreal.
- 10.** In addition to the powers conferred by article 4192 of the said Revised Statutes, the town may :
- Have a common seal, which it may change or alter at will ;
- Sign, draw, endorse, transfer, give, accept or receive notes, bills of exchange, cheques, bonds, obligations, securities or other titles whatsoever, negotiable or not, in fulfilment of all rights and powers conferred upon it by its charter and by law, for lawful purposes ;
- By resolution, issue promissory notes, with or without interest, payable at such places, and on such terms and conditions as the council may deem proper, in the execution of the powers, rights and privileges conferred by its charter and by law, and of all the duties and obligations devolving on it.
- 11.** All promissory notes, bills of exchange, cheques, obligations, debentures, contracts, agreements or deeds, made and passed by the town, shall be signed by the mayor, or, in his absence, the pro-mayor, and by the secretary-treasurer.

SECTION II.

COUNCIL OF THE CORPORATION.

12. The council of the town, as hereby constituted, is substituted for the council of the said town, and succeeds to it in all its rights, powers, privileges and obligations. Council under this act succeeds to that under 57 V., c. 64.

13. The municipal council of the town consists of a mayor and six councillors. Composition of council.

14. The quorum of the council is four members. Quorum of council.

15. The mayor is chosen from amongst the councillors, and elected by them at the first general or special meeting of the council held after the general elections of the said councillors. Election of mayor.

16. The council may, by resolution, appoint one of its members to perform the duties of assistant or pro-mayor, and remove him at will. Pro-mayor.

The pro-mayor performs the duties of the mayor, in the event of the absence or inability to act of the latter and while there is any vacancy in the office of mayor. His duties.

SECTION III.

MUNICIPAL ELECTIONS.

17. The councillors are elected for three years, and the order in which they are at present replaced shall continue to be observed. Duration in office of councillors.

18. The first general election of the town council shall be held on the second Monday of January, after the coming into force of this act, at ten o'clock in the forenoon, and if balloting is necessary, such balloting shall take place on the third Monday of the said month of January. First election of councillors.

19. Articles 4231, 4234, 4236, 4238 and 4241 of the Revised Statutes shall not apply to the town in so far as they relate to the election of the mayor only. R. S., 4231, 4234, 4236, 4238 and 4241 not to apply to election of mayor.

20. Articles 4235 and 4236 of the Revised Statutes are replaced, for the town, by the following : R. S., 4235 and 4236, replaced for the town.

The council, by resolution, appoints the officer who is to preside at the general or partial election and the deputy-presiding officer for each polling district. Appointment of officer to preside at an election, &c.

In any case, the deputy-presiding officer in each polling district appoints a poll-clerk to assist him in the performance of his duties in connection with such elections.

In the event of the absence or inability to act of any deputy-presiding officer for a polling district, the poll-clerk performs the duties of the latter under the same penalties.

Polls.

21. The polls in each ward or polling district are fixed and determined by resolution of the council.

R. S., 4240,
replaced for
town.

22. Article 4240 of the Revised Statutes is replaced, for the town, by the following :

Polls for elec-
tion of coun-
cillors.

If, one hour after the opening of the meeting, there have been nominated and remain nominated, for the office of councillor in one or more wards, more persons than there are councillors to elect, it is the duty of the officer presiding at the election to grant a poll for the ward, to be held on the following Monday, in the said ward, at the place chosen by the presiding officer, if not previously determined by a resolution of the council.

R. S., 4243
to 4264, re-
placed for
town.

23. Articles 4243 to 4264, inclusively, of the Revised Statutes are replaced, for the town, by the two following articles :

Elections for
councillors.
59 V., c. 9,
applicable.

The elections for councillors of the town of St. Paul, both general and partial, shall be by ballot, and the principle of the Quebec Election Act, 1895, as contained in the articles numbered from 127 to 250, and from 252 to 260, inclusively, of the act 59 Victoria, chapter 9, together with the forms referred to therein, save and except articles 202 and 213, and the forms of oath for electors contained in article 157 of the same act, which shall be replaced by form A of this act, shall, *mutatis mutandis*, apply to such elections and shall regulate all matters relating thereto not expressly provided for by this act; the ballot-paper O mentioned in article 134 is, however, replaced, for the town, by the Durocher ballot-paper, made according to form OO of article 135 of the said act, or by any other ballot-paper determined by by-law of the council.

Powers of
council as to
details.

The council shall, however, have power, by by-laws duly made from time to time, to alter the details of the procedure in the conduct of the election, and in the taking of the ballots; provided that in so doing they do not make provisions conflicting with the provisions of the said articles.

Proviso.

Powers of
council as to
amendments.

24. The council may also embody in such by-laws any amendments to such articles that may be hereafter passed by the legislature; and, in all questions arising in respect of elections under this act, the said articles amended, altered or added to, as aforesaid, shall be read as forming part of this act.

In applying the said articles to elections to be held under this act, the words: "returning officer," in any of such articles, shall mean the officer presiding at the election; the words: "deputy-returning officer," shall mean the deputy-presiding officer or person having charge of any poll, and the words: "Clerk of the Crown in Chancery," shall mean the secretary-treasurer of the town.

Interpretation.

SECTION IV.

SITTINGS OF THE COUNCIL.

25. Article 4300 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4300, replaced for town.

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

Majority to decide. Exception.

The mayor or presiding officer may give his opinion, but must not vote except in the case of an equal division of votes.

Mayor not to vote except in case of tie.

In case of an equal division of votes, the presiding officer is always bound to give the casting vote, giving his reasons therefor, if he deems it advisable.

Casting vote.

TITLE II.

OFFICERS OF THE COUNCIL.

SECTION I.

AUDITORS.

26. Article 4351 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4351, replaced for town.

The auditors appointed by the council must own real estate within the town of the value of two hundred dollars, and neither the mayor, nor the councillors, nor the clerk, nor any other person receiving a salary or any moneys from the town for any employment under the council, or for any services whatsoever, can be appointed auditors or act as such.

Real estate qualification of auditors, &c.

The auditors enter into office as soon as they have been sworn to well and faithfully perform the duties of their office.

Entry into office.

They remain in office until replaced by their successors.

Duration in office.

SECTION II.

ASSESSORS.

27. Article 4354 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4354, replaced for town.

Assessors
may employ
clerk, &c.

In order to be assisted in the performance of their duties, the assessors may require the services of other persons, provided such persons be chosen by the council.

His fees.

The clerk or other person appointed by the council, and whose services are required under this article, is entitled to an amount of so much a day for every day he is employed, to be fixed by a resolution of the council, payable to the town on the assessors' certificate.

Payment of
assessors.

28. The council may, by by-law or resolution, allow the assessors for their services an amount not exceeding two dollars for every working day of not less than six hours.

TITLE III.

POWERS OF THE COUNCIL.

SECTION I.

SALE OF INTOXICATING LIQUORS.

Power by by-
law :
To prohibit,
&c., sale by
retail of
liquors.

29. The municipal council may, by by-law :

Prohibit, restrict and regulate the retailing of all fermented, spirituous, vinous, alcoholic or intoxicating liquors, within the limits of the town, and fix a sum not exceeding one hundred dollars for the granting of such certificate required for obtaining a license permitting the sale thereof in the town, notwithstanding article 4414 of the Revised Statutes, which, for the town, is replaced by this article.

SECTION II.

PUBLIC NUISANCES.

Limit abat-
toirs.

30. Limit the number of public or private abattoirs in the town, or prohibit them entirely.

Order car-
tage of inju-
rious matter,
&c., through
certain
streets, &c.

31. Order that the carting of all matters which are dangerous or injurious to public health or safety be done at certain hours of the night and through certain streets of the town, and order that the vehicles employed therefor be covered in the manner specified by the by-law.

Prevent erec-
tion of stables,
&c., in cer-
tain places.

32. Prevent stables, sheds, closets or similar buildings from being erected on any lot in the town at a distance of less than thirty feet from the street, and, on indemnifying the proprietors therefor, cause all existing buildings to be removed, if they be not erected at such distance, or at such distance from the dwellings, as the council may determine

33. Regulate or prohibit the erection, use or working, in the town, of dangerous, or obnoxious factories or establishments, which might injure public health, and, especially, soap and candle factories, and other factories of a like nature, wherein the rendering of tallow is carried on, lime-kilns, bone-boiling or bone-burning establishments, or any oil-cake factory, india-rubber or oil-cloth factory, dyeing establishment, slaughter-house, butchery, piggery, tannery, brewery, distillery, gas-works, blue-glue- or varnish-factory, petroleum or coal-oil refinery or warehouse, roofing composition factory, fire-works' factory, friction matches factory, chemical works, alcohol rectifying establishment, and all other factories and workshops of any kind whatsoever, the working of which, in the opinion of the council, might endanger the public health or safety, either through danger of fire or owing to the smoke and emanations from such establishments.

Regulate, &c.,
unhealthy
&c., factories.

34. Prohibit, in the interest of public health and in that of private individuals, any person from allowing emanations of smoke or unwholesome odours from such manufacturing or shops or deposits, even if such establishments or deposits are in adjacent municipalities, in the vicinity of the limits of the town, if such municipalities refuse or neglect to abate such nuisances.

Prevent un-
wholesome
odours, &c.

35. Article 4453 of the Revised Statutes is replaced, for the town, by the following:

R. S., 4453, re-
placed for
town.

Compel every owner or occupant of land in the town, on which there is stagnant water, to drain or raise such land in such manner that neighbors be not incommoded or the public health injuriously affected.

Drain stag-
nant waters.

If the owner of such land be unknown and have no representative in the town, or if he be too poor to drain or raise the same, or if he do not perform the required work within the delay established by the by-law, the council may order the drainage or raising of such land at the expense of the town, saving recourse against the owner or occupant.

Unknown or
poor owner.

36. In the interest of public health, determine where ice is to be taken.

Determine
where ice to
be taken.

37. Determine the site, and regulate the erection, use or employment in the town of steam engines or machinery, or factories, of a nature to vitiate the air or incommode the neighborhood by smell or smoke, or shops or establishments in which work is done or processes are carried on which expose or endanger, or are calculated to endanger public health or safety, of which the council shall be the judge;

Determine
site, &c., of
steam en-
gines and
factories.

permit the erection, use or employment thereof, under such restrictions and conditions as the council may deem necessary; provide for the inspection of steam engines and factories of the nature aforesaid, and impose and levy a fee for that purpose upon the owners of such steam engines and factories.

SECTION III.

PUBLIC SAFETY.

Prevent dealers in oil, &c., from carrying on business without authority.

38. Prevent dealers in oils, fluids, hay, straw and all other inflammable substances from carrying on their business without the authority of the council, and prevent the storage in any building of any such inflammable substance, in contravention of the by-laws.

Compel wood-yard, &c., keeper to take license.

39. Compel every person, desirous of keeping a wood-yard in the town, to previously obtain a license or permit from the council, determine under what conditions such license or permit shall be granted, for the prevention of fire or for any other reason; and determine how such wood-yard shall be kept and fenced in, and to what height wood may be piled, both by the owners of wood-yards and by any other proprietor in the town.

Determine height of chimneys.

40. Determine the height of chimneys and order spark-arresters to be placed thereon.

Prevent discharge of fire-arms, &c.

41. Prevent the discharge of fire-arms or fire-crackers on Sundays and holidays, and at any other time, if the council thinks proper.

Compel merchants to close shops on Sundays, &c.

Compel all merchants and traders, barbers and keepers of gaming-houses or places of amusement to close their establishments on Sundays and holidays.

SECTION IV.

SEWERS.

R. S., 4452, replaced for town.

42. Article 4452 of the said Revised Statutes is replaced, for the town, by the following:

Organize system of sewers.

Organize a system of sewers in the town, which may be built by the town or otherwise, as the council may deem expedient.

Assess for sewers.

Assess all proprietors of immoveables to defray the cost of making, either in whole or in part, by a specified amount of so much per foot, or in such proportion as the council may determine, any common sewer in any street in which such proprietors own property, including connections between such common sewer and private drains; regulate the mode in which such assessment

shall be made, either by frontage of said property or otherwise, and determine, in the discretion of the council, the manner of levying and collecting such assessment; grant such delays as it may deem necessary for the payment of such assessment, and charge interest thereon at a rate not exceeding six per cent. per annum on the proprietors of immoveables taking advantage of such delays.

43. Regulate the manner of making such drains and the materials to be used, both for private and public drains, and all accessories thereof, including connections between such public and private drains, which shall be made by the town or by the proprietors, in the discretion of the council.

Regulate making of drains, &c.

44. When a property is on a corner, or is of irregular form, or faces on two or more streets, roads, lanes or squares, the council may assess the proprietor of the said immoveable in such manner or in such proportion as it may deem equitable.

Assessment in certain cases.

The same shall apply to all improvements whatsoever.

45. The council shall have the necessary powers to excavate all streets, lanes and public or private roads in the town for the purpose of constructing its drains and laying its pipes, or for any other work of a public nature, and may use the said streets in any manner, and have any work done therein, whether the town owns the same or not, provided that such streets, lanes and public or private roads have been open to the public for five years, and assess the proprietors of immoveables on each side of such streets, lands, and public or private roads for the improvements made by the town in the manner determined by by-law of the council.

Excavate streets, &c., for drainage, &c.

Assessment in such cases.

46. The council is authorized to purchase or acquire, take possession of, and enter in and upon any land or property whatsoever within the limits of the town, for the purpose of constructing a main or common sewer, or a discharge for a common sewer or for its sewerage system, or any other improvement deemed necessary, by mutual agreement with the owners or other persons interested, or by expropriation, according to law.

Power of council for such purpose.

But, in any case, to avoid delay in the execution of such works, the council is authorized to take immediate possession of the land considered necessary for the construction of the said sewers or other improvements.

47. The council may, in its discretion, regulate the manner and determine within what delay private drains shall be made, after the common sewer is made in a street or part of a street.

Regulate means of working private drains.

Owners of real estate are bound to make private drains at their own expense within the delay and in the manner prescribed by the by-law or by-laws to that effect ; they are also bound to their maintenance.

Authorize making sewers, &c., on petition of proprietors, &c.

48. Whenever the majority in number of the real estate owners of any street or part of a street in the town, apply by petition, addressed to the council, to have a common sewer made, to extend a street, or have an opening or outlet made for a street, to have the road macadamized or planked, or to have any improvements made therein, the council may order all such improvements, and determine the mode of levying and collecting an assessment on the parties interested to pay the cost thereof, either in whole or in part, or in such proportion as the council may deem expedient, the town to pay the difference.

Proviso.

Nevertheless, it shall always be lawful for the council, by by-law to that effect, to order the improvements to be made, and to levy the costs thereof as aforesaid.

Make special arrangements with other municipalities for outlet for sewerage.

49. The council may make special arrangements with the city of Montreal, or with any other municipality or municipalities, to secure, for a determined period, an outlet for the sewerage and drainage of the town, the compensation therefor to be determined either by mutual agreement or by arbitration ; but, in the event of such outlet being refused, the town shall have the right to build a main sewer to conduct the sewerage and drainage to the nearest or most convenient point in the river St. Lawrence, through any municipality or municipalities, by paying therefor such reasonable compensation as may be awarded by arbitration.

Removal of privies, &c.

50. After drains are made in a street or any part of a street, the council may compel proprietors who have privies on their property to remove them within a specified delay, and to replace them by water-closets, and order that each new lodging be provided with them.

Contribute to costs of improvements.

51. The council may, out of the revenue of the town, contribute to the cost of any improvements ordered by it, and it may borrow moneys required to pay for its share of any such improvements, by complying with the formalities and procedure prescribed respecting loans.

SECTION V.

ROADS AND STREETS.

Fix line of streets, &c.

52. The council may, by by-law fix and determine the line of buildings in the streets, roads and avenues, and the mode to be followed and the materials to be used in the

erection or repair of buildings, with a view to security against fire and the safety of the occupants, with power to hold the proprietor, builder or person in possession of such building responsible for any contravention of such by-laws.

53. Order that, in future, houses be built with stone foundations, and be one or more stories high, in the discretion of the council; compel every proprietor or contractor to obtain a permit from the town before commencing to build, and charge, for such permit, the amount fixed by the council.

Order how houses are to be built.

54. Regulate the width of wheel-tires of waggons or drays carrying heavy loads, and prohibit the use of such vehicles in such streets or parts of streets as the council may see fit.

Regulate width of wheel-tires, &c.

55. Take all possible means to protect the citizens in the streets and public squares, at railway stations and passenger steamboat wharves.

Protect citizens in streets, &c.

For that purpose, the council may compel all railway companies to make, construct and maintain, at all hours of the day or night, such gates, fences or other works as may be deemed necessary for the protection of citizens, vehicles and animals, passing through such streets or public places; and all such companies shall be liable to such penalty as the council may impose.

56. Prevent the obstruction of the streets by railways, cars, or trains of cars, locomotives or other engines; and impose, either on the servants of the railway company or on the companies themselves, a fine for each infringement of the by-laws, passed for that purpose.

Prevent obstruction of streets by cars, &c.

Prevent likewise, under the same penalties, the obstruction of streets or sidewalks with snow taken from the roads or lands belonging to railway companies.

Same by snow.

57. Regulate the manner in which awnings shall be put up and compel the owners to remove them.

Regulate awnings.

58. Order the removal of all flags, signs or other objects used as such, encroaching on the public streets.

Order removal of signs, &c.

59. Prohibit the transport or removal, through 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.

Prohibit transport of houses through streets.

Prevent rebuilding of demolished houses encroaching on street, &c.

60. 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.

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.

Require permission before streets, &c., are excavated.

61. Order that no person, firm or company shall, at any time, or for any purpose, cause excavations, openings or other works 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, but without prejudice to the rights which any companies may exercise under existing charters.

Order, &c. placing of telegraph posts, &c.

62. Order and regulate the placing of telegraph, telephone, electric light and other such posts 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, without prejudice to the rights which any company may exercise under existing charters.

Construct common conduit for same.

63. 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.

Exemption from apportionment in certain cases.

64. 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.

Consent of council required for closing of streets on property.

65. When a proprietor opens a street, a part of a street, a lane or a road through his property, he cannot, in any case, close it, without the consent of the council.

66. Notwithstanding the provisions of article 4616a of the said Revised Statutes, the council is authorized to prolong the present streets on a width of less than sixty-six feet.

Width of prolonged streets.

67. The town may close any 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.

Closing of streets by the council.

68. If any street, road or avenue, not the property of the town but opened to and used by the public, should be in need of repairs, compel the owner or owners of the said street, road or avenue to make such repairs; and, if such repairs are not made within the delay fixed by the council, by resolution or by-law, the council has the right to have such repairs made at the cost of the owner or owners, and recover the same from the latter.

Repairing of private streets.

69. Make all agreements with the trustees of turnpike roads, concerning roads maintained by them, within the limits of the town, either by paying a sum annually, or by purchasing said roads, or otherwise on such terms and conditions as the council may determine.

Turnpike roads.

70. Open, widen, prolong, change, macadamize, raise, level or otherwise make, pave or permanently repair any street, road, avenue, boulevard, lane, alley, highway or public square, or any section thereof, in the town, and levy in its discretion, by special assessment, the moneys required to defray the expenses thereof, or a portion of the cost thereof, and order that the town shall bear a portion of the cost of such works and in what proportion.

Open, &c., streets.

Assessment therefor.

SECTION VI.

MISCELLANEOUS.

71. Article 4476 of the Revised Statutes is replaced, for the town, by the following:

R. S., 4476, replaced for town.

Establish one or more public pounds for animals of all kinds wandering or found in the town in contravention of the by-laws to that effect, and make a tariff of the fines and dues payable to such public pounds.

Establish pounds.

Order that all animals found wandering or grazing under the care of a keeper, or tied by a rope or chain, on the public streets, roads, beaches, public places or unfenced grounds whatsoever shall be taken to the public pound or impounded elsewhere; impose a fine on the owner of every animal found wandering without its being necessary to take it to the pound, and authorize the sale thereof for the

Order impounding of strayed animals.

Impose fine on owner thereof.

penalty incurred and the costs of the proceedings and detention, in the manner determined by the council.

Appoint meat
inspector, &c.

72. 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.

Impose a fine
for sale of bad
meat, &c.

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

Compel filling
up, &c., of
grounds.

74. Compel or regulate the filling up, levelling, draining or clearing, of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies, and assess the owners or occupants of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situated, with the cost thereof, if done by the council in default of the proprietors.

Authorize
laying of
tramways, &c.

75. Authorize or permit, on such conditions as the council may impose, the laying of tramways or other means of transit in the streets of the town ; determine the number of people to be carried by each car or vehicle used by such railway or tramway company.

Annex adja-
cent lands.

76. Annex to the town any immovable or portion of an immovable property situated in any adjacent municipality ; provided that the council of any such municipality and the proprietor of said immovable or portion of immovable property consent to such annexation, on such terms as may be mutually agreed upon between the council of the said town and the council of the said municipality.

Power to
purchase, &c.,
enter, &c., on
lands, &c., for
improvements.

77. The council shall have power to purchase or acquire, take and enter into any land, ground or real property whatsoever, within the limits of the town, for the 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 persons interested, or by adopting the provisions and complying with the formalities respecting expropriations.

Council
authorized to
purchase

78. The council is authorized to purchase the water-pipes and other materials, within the limits of the town, belonging to the Montreal Water and Power Company or

its successors, to make any arrangements with the company which it may deem advantageous for the town, and to issue debentures to pay for such pipes and other materials, redeemable within such delay as may be determined by the council.

water-pipes of Montreal Water and Power Company.

The interest and a sinking fund, not less than one per cent., may be levied according to law or in any other manner, in the discretion of the council.

Interest and sinking fund for that purpose.

TITLE IV.

TAXES.

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

By-laws by council for :

An assessment on every lot, town lot or portion of a lot, whether built upon or not, with all buildings and erections thereon, not to exceed one cent and one half in the dollar of the real value of such property, as entered on the assessment roll of the town, for which assessment the owner thereof shall be personally liable ;

Assessment on real estate ;

A special tax upon carters residing or doing business in the town ; upon proprietors of horses and vehicles, for each horse or vehicle kept within the limits of the town ; upon brokers, money-lenders, commission merchants or 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 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 ; upon grocers, bakers, butchers, hawkers, hucksters, brewers and distillers ; 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 and employees, upon gas, electric and telegraph and telephone companies doing business in the town or having property therein ; 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 ; upon pastry-cooks and biscuit makers ; upon all persons keeping a tavern ; upon all manufacturers or retailers of beer, soda or other liquors ; and upon every business, manufacture, occupation, trade, art and profession exercised or carried on within the town by any person, firm or company.

Special tax on certain callings.

Amount of
taxes to be
fixed by coun-
cil.

§0. The amount of such annual dues or tax or taxes shall be fixed and determined by one or more by-laws of the town, and shall be fixed and determined by the council in its discretion, either, in certain cases, by a specified sum or, in other cases, by a percentage upon the annual value of the property and premises occupied by the said persons in the town, 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 five hundred dollars per annum, and provided there is nothing inconsistent with the provisions of any public statute.

Business
taxes payable
by non-resi-
dents.

§1. 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, and the trades, arts or professions which they exercise, within the town, even when they do not reside therein.

Taxes how
imposed.

§2. The special or business taxes above imposed may be imposed in the form of a license or permit, if the council so decides, and, in such case, such license or permit shall be signed by the secretary-treasurer, and it shall grant the holder of such license the right to carry on his art trade, profession, business or industry, up to the thirtieth of April following the date of its issue.

Special li-
cense for
certain sales.

§3. 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.

Taxes on
dogs, &c.

§4. 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 the owners of dogs or bitches 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.

Taxes due for
whole year.

§5. 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.

86. 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. Taxes on each kind of business.

87. 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 vehicles used by children under ten years of age. Taxes on bicycles, &c.

88. The council may, by by-law, prevent any person residing beyond the limits of the town, from carrying on his trade or business within the town, without being authorized thereto, and taking out a license and number for each and every vehicle used in the town for the purposes of such trade or business; provided that there be no unjust discrimination against such person. Licenses for non-residents for each vehicle used.

89. The council may also, by by-law, prevent all persons residing outside of the town limits 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. Peddler

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

TITLE V.

MISCELLANEOUS PROVISIONS.

90. Article 4353 of the Revised Statutes is replaced, for the town, by the following: R. S., 4353, replaced for town.

No person shall be a valuator unless he, as proprietor, possesses, in the town, either in his own name or in that of his wife, real estate of the value of eight hundred dollars, according to the valuation roll in force; nevertheless, one of the valutors appointed by the council may be chosen from amongst persons who reside outside of the town and who is not a rate-payer thereof. Real estate qualification of valutors.

91. Article 4498 of the Revised Statutes is amended, for the town, by striking out from the last paragraph thereof, the following words: "the amount of the annual rent paid by each of them," and by adding the following words: "the annual value of the immovable or part of the said immovable occupied by each of them or by the proprietors and occupants." R. S., 4498, amended for town.

R. S., 4500,
not applicable
to water-rate,
&c.

92. 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, nor 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 for the purpose of deriving a revenue therefrom or of speculation.

Transport of
goods, &c.

93. Any licensed carter or common carrier, or owner of any vehicle, may convey goods or persons from the town into another municipality or from another municipality into the town, without paying any municipal license or tax in another municipality, on account of such conveyance.

Power of con-
stables.

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

Arrest on
view.

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.

95. 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, swearing or making a noise in any public street, road or lane, or any wharf or bridge, or in any place within the limits of the town.

R. S., 4523,
replaced for
town.

96. Article 4523 of the Revised Statutes is replaced, for the town, by the following :

Power to bor-
row money.

The council may, from time to time, borrow various sums of money for improvements in the town, and generally for all objects within its jurisdiction ; but every loan exceeding two thousand dollars, except those effected for making roads or sewers, shall be approved by the majority in number and in value of the municipal electors who are proprietors.

R. S., 4524,
replaced for
town.

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

Payment of
interest on
loans.

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

98. The council may devote the whole or part of the sums levied under the provisions of article 4488 of the Revised Statutes towards meeting the interest and a sinking fund of one per cent.

Application of certain sums of money to sinking fund.

99. Article 4525 of the Revised Statutes does not apply to the town.

R. S., 4525, not to apply to town.

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

R. S., 4533, replaced.

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

Holding of poll.

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

101. 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 payment of taxes in certain cases.

The school commissioners and trustess of the town shall have the same privilege as regards the payment of the school tax.

Idem for school taxes.

102. The council may, at any time, by by-law, compel proprietors of houses to lay distinct and separate water-pipes for each lodging in the said houses.

Council may require separate water-pipes for each lodging.

103. The council may, by resolution or by-law, determine the days and hours during which the office of the council shall be open for the purposes mentioned in article 4343 of the Revised Statutes.

Office hours of council officers.

104. Articles 4560 and 4590 of the Revised Statutes are replaced, for the town, by the following :

R. S., 4560 and 4590, replaced for town.

The council may 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 and costs by the delinquent, immediately or within the delay fixed by the court, an imprisonment not exceeding three months.

Fines for infringement of by-laws.

Imprisonment in default of payment.

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

When inflicted.

105. If any person claims and pretends to have been injured by an accident or casualty, for which he intends to claim damages or compensation from the town, he shall, within fifteen days from the date of such accident or casualty, serve a notice upon the town of such intention, containing the particulars of his claim, and stating his own domicile.

Notice of intention to claim damages.

The action must be brought within six months.

Prescription of suit.

TITLE VI.

RECORDER'S COURT.

Establishment of Recorder's Court.

106. 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.

Sittings where held.

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

Appointment of recorder, &c.

107. The recorder shall be appointed by the Lieutenant-Governor in Council on 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.

Qualification of recorder, &c.

108. The recorder shall be a member of the Bar of the Province of Quebec.

Recorder may practise.

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 the Recorder's Court, any law or regulation to the contrary notwithstanding.

Salary of recorder.

109. The recorder's salary shall be, from time to time, fixed by a resolution of the council of the town.

Substitute and clerk, and their remuneration.

110. The council may, by by-law, determine how the recorder shall appoint a substitute and clerk, and what the remuneration of each shall be.

52 V., c. 79, title 16, applies to recorder, &c.

111. 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.

112. 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.

CAP. LXVII.

An Act to incorporate the Town of Montreal West.

[Assented to 9th January, 1897.]

WHEREAS the majority of the rate-payers and inhabitants of that portion of the municipality of Notre-Dame de Grâces West, now generally known as "Montreal West," in the former parish of Montreal, have prayed to be incorporated, as a distinct and separate corporation, under the name of the "Town of Montreal West"; Preamble.

And whereas it is in the interests of the petitioners that they be constituted a town corporation, under the provisions of the Revised Statutes governing town corporations distinct and separate from the village of Notre-Dame de Grâces West, in the former parish of Montreal ;

And whereas it is expedient to grant their prayer ;

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

CONSTITUTION OF THE CORPORATION.

1. The town of Montreal West shall include the following territory, to wit :— Territory comprised in town.

That portion of the said village of Notre-Dame de Grâces West, in the former parish of Montreal, bounded, on the east, by the western line of the cadastral lot number one hundred and forty-one, and the subdivisions thereof; on the south, by the river St. Pierre; on the west, by the westerly line of the cadastral lot number one hundred and thirty-eight, and the subdivisions thereof; on the north, by the southern line of the lands of Côte St. Luc, being the whole of cadastral lots one hundred and thirty-eight, one hundred and thirty-nine and one hundred and forty, both as subdivided and not subdivided, of the official plan and book of reference of the former parish of Montreal.

2. The inhabitants and rate-payers of the town are hereby constituted a town corporation, under the name of the "Town of Montreal West," for municipal purposes only. Corporation constituted. Name.