

Proviso if
divided and
built upon
now or here-
after.

have been subdivided into town or city lots, and built upon; provided however that, when any such portion shall have been so divided and built upon, the same shall cease to be considered and valued as agricultural lands, and that all such lands, which are at present subdivided and built upon, shall not be included in the foregoing specification of agricultural lands, but shall be valued under the present general assessment system of the city of Hull.

Section added
after 56 V., c.
52, s. 355.

2. The following section is added after section 355 of the said act 56 Victoria, chapter 52:

Proceedings
if owner, &c.,
refuses to de-
liver up pos-
session after
sale for taxes.

"355a. Should the owner or occupant refuse to deliver possession of the property after the sale for taxes, the purchaser may obtain a writ of possession on application to the Superior Court or a judge in chambers, in the same manner as for ordinary writs of possession. The application shall first be made to the city clerk before presenting the petition to the court or judge, and the said clerk shall grant a certificate to such effect.

The writ of possession shall be addressed to the sheriff who shall then act as in ordinary cases."

C A P. L I V.

An Act to amend the charter of the town of Côte Saint Antoine.

[Assented to 12th January, 1895.]

Preamble.

WHEREAS the council of the town of Côte Saint Antoine has, by petition, represented that, in the interest of the said town, it is necessary to define and increase the powers conferred upon it by its charter, 56 Victoria, chapter 54; 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:

SECTION I.

Name of town
changed.

1. From and after the passing of this act, the name of the municipality, now known as "the town of Côte Saint Antoine", shall be changed to that of "the town of Westmount."

Powers of
town under
new name.

2. The corporation of the town of Westmount shall not be deemed to be a new corporation; but it shall have,

hold and continue to exercise all the rights, powers and privileges that have been heretofore held, exercised and enjoyed by the corporation of the town of Côte Saint Antoine, in as full and ample a manner as if the said corporation had continued to exist under its original name, and shall continue liable for all the obligations thereof.

3. The municipal council of the town shall continue to consist of eight councillors, one of whom shall be elected annually as mayor; or, in the event of a vacancy occurring, his successor shall be elected by the council, until otherwise ordered by the council.

Composition of council.

4. Article 10 of the act 56 Victoria, chapter 54, is replaced by the following :

56 V., c. 54, s. 10, replaced.

"10. The town shall remain divided into four wards, each represented by two councillors, as at present determined by by-law, until otherwise ordered by the council."

Division into wards and representation in council.

5. Article 4472 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4472, replaced for town.

•The council may, by a vote of at least two-thirds of all the members, alter the boundaries and limits of the wards, increase or diminish the number thereof, or suppress them entirely.

Power to alter limits of wards, &c.

The council may fix the number of councillors to be elected by each ward, and designate those who shall cease to represent the wards which may be suppressed.

Number of representatives of wards.

It may diminish or increase the number of councillors, but there shall not be more than twelve for the whole town, nor less than eight; and the council may fix the term of office of the councillors.

Increase or decrease of number of councillors, &c.

SECTION II.

GAS-WORKS.

6. The council of the town shall have power, whenever it may be deemed expedient for the public good, to erect gas-works at the expense of the corporation, or, at any time, to purchase or lease any gas-works.

Power to erect gas-works, &c.

7. The council may also lay and extend gas-pipes, manufacture and sell gas, but within the limits of the municipality only, and collect the revenue therefrom and all other moneys due for gas, coke or other material sold by it, and disburse the same; manage, conduct or control gas-works, but within the limits of the municipality only; determine the price of gas and coke and other

Power to lay gas-pipes, &c.

materials and by-products, and the manner of using gas; purchase material, employ labourers, appoint officers, purchase or lease the necessary real estate and erect buildings thereon, and, generally, make any such rules and regulations as may be necessary for the proper administration of the said works.

Power to enter into special agreements with breweries, &c.

8. The council may make special agreements with respect to supplying gas to breweries, distilleries, canneries, manufactories, mills, livery-stables, and hotels, and also in all other special cases.

Owners, &c., of property to allow entrance on property for purpose of gas-works.

9. The council may oblige the owners or occupants of lands, situated within the municipality, to permit the work necessary for the construction and maintenance of the gas-works to be executed upon their properties, saving indemnity for actual damage, as settled by experts.

Power to enter buildings, &c.

10. The officers appointed for the administration of the gas-works may enter into any house or building whatsoever, or upon any property, situated within the limits of the town, for the purpose of satisfying themselves that the gas is not wasted, and that the regulations relative to the gas-works are faithfully carried out.

Owners to permit such entrance, &c.

It is the duty of owners or occupants of any such house, building or property where gas is supplied by the corporation, to allow the officers to make such visit or examination. The gas may be cut off from any person refusing to receive the officers, so long as such refusal continues.

Powers respecting loans to extend to loans for gas-works.

11. The powers conferred upon the corporation respecting loans, shall apply to all the purposes mentioned in this section; and the corporation may, from time to time, contract, on the credit of the town, such loan or loans as may be necessary to pay for the establishment of gas-works made and carried out under the provisions of this section; but any by-law authorizing any loan, shall provide for the appropriation, from the revenues of the gas-works, of a sum sufficient to meet the payments of interest in each year, and one per centum per annum, at least, as a sinking fund, until the debt is extinguished; and the said loan shall only be made under a by-law of the council to that effect, approved in the manner and according to the procedure provided by article 99 of the act 56 Victoria, chapter 54.

Interest and sinking fund.

Power to fix price for gas, &c.
Proviso.

12. The council may fix, from time to time, the price to be paid by consumers for gas according to such tariff as it may deem fit; provided, however, that such price shall not be less than sufficient to cover the cost of manufacturing, procuring or supplying the gas, of keeping the gas-

works, pipes and all other apparatus connected therewith in good repair, of collecting such price, and ten per cent. additional, to cover any contingencies. It may also fix the time when such payments shall be made.

When to be paid.

13. The council shall have the right to allow a discount for prepayment of gas rates, and such rates shall bear interest at six per centum per annum, at the expiration of the delay within which it ought to be paid.

Discount may be allowed.

The council may enforce payment, in the manner prescribed for the collection of municipal taxes, from all consumers of gas supplied by the corporation.

Collection of gas dues.

14. The council shall have power, from time to time, to make, amend, repeal and enforce all necessary by-laws, rules and regulations for the general maintenance, management and conduct of the officers of the gas-works and other persons employed; and any one infringing the provisions of any such by-law shall be liable to a penalty, payable to the corporation, not exceeding twenty dollars and costs, and, in default of immediate payment, to imprisonment not exceeding thirty days.

Regulation for gas-works, &c.

SECTION III.

15. Article 71 of the act 56 Victoria, chapter 54, is replaced by the following :

56 V., c. 54, art. 71, replaced.

“71. The balance or remainder of the cost of all or any of such improvements, over and above the proportion to be borne, as aforesaid, by the fronting proprietors according to frontage, shall be borne by the town and paid for from the moneys provided by the sale of the bonds or debentures of the town, that have been or may be issued, from time to time, for the purposes of such improvements; and, to enable the town to meet the payments of interest and sinking fund upon the portion of its loans so used, a special annual tax sufficient to provide for said payments, may be imposed and levied by the council; and said tax shall be based on the valuation of the lands only, irrespective of the buildings thereon erected.”

Payment of balance of cost of improvements.

16. The council may in its discretion provide for the lighting of the town by means of electricity, and, in the event of so doing, the provisions of this section shall apply *mutatis mutandis* to the establishment, maintenance and management of the necessary electric light works and for all purposes connected therewith.

If council provides for lighting of town by electricity, section to apply to works therefor.

56 V., c. 54,
art. 84, re-
placed.

17. Article 84 of the said act 56 Victoria, chapter 54, is replaced by the following :

Special as-
sessment may
be levied for
payment of
debentures or
for certain im-
provements,
&c.

“ **84.** The council may, by by-law, without the appointment or intervention of commissioners, with the object of paying the principal and interest of any debentures, issued or to be issued on the credit of the town, for the purpose of paying for any improvements respecting the macadamizing of roads already commenced or completed under existing acts or hereafter to be carried out under the provisions of this act, and also for the purpose of paying the principal and interest of the debentures issued under by-law number 16 of the council, by a vote of two-thirds of the members of the whole council, impose, levy and collect a special tax or assessment, to be levied according to the frontage of the immoveable property for the whole or for such proportion or percentage only as it may determine on the properties fronting on the said improvements, but subject to an arbitration, as prescribed by article 67 of this act, when petitioned for by a majority of the fronting proprietors ; and may order that the balance or remainder of the cost of any such improvements be borne by the town and paid for as provided by article 71 of this act.

Widening,
&c., of streets
and roads.

18. The council may, by by-law, order the widening, prolonging, altering, macadamizing, grading, levelling, or otherwise making, or paving, or the permanent improvement of any street or road, or section or sections thereof, formerly maintained by the trustees of the Montreal turnpike roads,—but the maintenance and control of which are now vested in the town, as far as the same could be by virtue of a notarial deed made and entered into between the said trustees and the town, at the city of Montreal, on the fourth day of May, eighteen hundred and ninety-one, before O. Marin, notary public,—and may assess the cost thereof in the same manner and subject to the same conditions as with respect to the other streets or roads in the town.

Assessment
for cost there-
of.

Power given
to transfer
certain roads
to town.

19. The trustees of the Montreal turnpike roads are hereby authorized to cede and transfer, to the town, the absolute control of the parts of turnpike roads lying within the said town, described in the said notarial deed of the fourth day of May, eighteen hundred and ninety-one, on the terms mentioned in the deed, and which absolute control the said trustees agreed to transfer to the town as soon as the necessary authority therefor had been obtained.

Coming into
force.

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