

## CAP. LV.

## An Act to incorporate the town of Outremont.

[Assented to 12th January, 1895.]

**W**HEREAS the village of Outremont has, by petition, Preamble.  
 prayed to be incorporated as a town, in accordance  
 with the provisions of chapter first of title eleventh of the  
 Revised Statutes ;

Whereas it is in the interest of the rate-payers of the said  
 village that such prayer be granted ;

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

## TITLE I.

## ORGANIZATION OF THE CORPORATION.

## SECTION I.

## INCORPORATION OF THE TOWN.

**1.** The territory comprised within the present limits of Town incor-  
 the village of Outremont is erected into a town municipi- porated.  
 pality, under the name of "the town of Outremont," and Name of town,  
 the inhabitants of the said village are constituted a town  
 corporation, under the name of "the town of Outremont." Name of cor-  
poration.

**2.** The town of Outremont is governed by the provisions Laws to gov-  
 of the law respecting town corporations, contained in chap- ern.  
 ter first of title eleventh of the Revised Statutes, except  
 where specially derogated from by this act, or by inconsis-  
 tent provisions which it may contain.

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

**4.** All notes, bonds, debentures or obligations, and all Notes, &c., to  
 securities and engagements whatsoever, subscribed, ac- have their le-  
 cepted, endorsed, issued or contracted by the said council, gal effect.  
 up to the coming into force of this act, shall continue to  
 have their legal effect, notwithstanding the passing of this  
 act.

Corporation to succeed to that of village.

**5.** The town of Outremont, hereby constituted, succeeds to all the rights and obligations of the village of Outremont.

Town may annex to city of Montreal.

**6.** The municipality of the town of Outremont 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.

## SECTION II.

### COUNCIL OF THE CORPORATION.

Council substituted to that of village.

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

Present officers continued in office.

**8.** The present municipal officers and employees of the said village shall remain in office as officers and employees of the town, until dismissed or replaced by the council.

Composition of council.

**9.** The municipal council of the town shall consist of seven councillors, one of whom shall be chosen and act as mayor, until otherwise ordered by the council.

Election of mayor.

**10.** The mayor shall be chosen from among 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, or after any vacancy occurring in the said office of mayor.

Certain articles of R. S. not to apply in so far as election of mayor is concerned.

**11.** Articles 4231, 4236, 4241, 4244, 4245, 4246, 4247 and 4248 of the Revised Statutes shall not apply to the town hereby constituted, in so far as they relate to the election of mayor only.

R. S., 4229 replaced for town.

**12.** Article 4229 of the said Revised Statutes is replaced, for the town, by the following :

General elections.

The general elections take place every year in the month of January: the nomination takes place at nine o'clock in the morning on the second Monday in January, and the polling, if required, shall be held on the third Monday of the same month.

R. S., 4234, replaced for town.

**13.** Article 4234 of the said Revised Statutes is replaced, for the town, by the following :

Hour and place of meeting for election of councillors.

The meeting of municipal electors for the nomination of councillors is held at the Town Hall, and is opened from nine in the morning of the day specified.

Duration in office of councillors.

**14** The councillors are elected for three years.

**15.** The present mayor and councillors of the said village shall remain in office, as mayor and councillors of the town, and shall be replaced in the manner hereinafter indicated.

Present mayor and councillors.

**16.** At the first general election, as herein provided, the councillors whose term of office shall expire, shall be replaced in the manner provided by this act.

Replacing of councillors.

The order of retirement as at present existing shall be maintained until otherwise ordered by the council.

**17.** The quorum of the council shall be a majority of the members thereof.

Quorum.

**18.** Article 4472 of the said Revised Statutes is replaced, for the town, by the following :

R. S., 4472, replaced for town.

To divide the municipality into as many wards as may be deemed expedient for the purpose of representation in the council, and to fix the number of councillors to be elected for each ward ; provided there shall not be more than nine for the whole town, nor less than seven.

Municipality divided into wards.

To revise or alter the boundaries of the different wards of the town.

Boundaries revised or altered.

**19.** The nomination of candidates for the first general election of the council of the town shall take place on the second Monday of the month of January, 1896, at the hour of nine in the forenoon ; and, if a poll is necessary, such poll shall be held on the third Monday of the said month of January, 1896.

Holding of first election.

The mayor in office shall preside at such first election.

Presiding officer.

**20.** Article 4264 of the said Revised Statutes shall not apply to the town.

R. S., 4264, replaced for town.

**21.** Article 4300 of the said Revised Statutes is replaced, for the town, by the following :

R. S., 4300, not to apply.

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, &c., 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.

## POWERS OF THE COUNCIL.

R. S., 4414,  
replaced for  
town.

Sale of intoxi-  
cating liquors  
by retail pro-  
hibited, &c.

Fee for certifi-  
cate to obtain  
license.

**22.** Article 4414 of the said Revised Statutes is replaced, for the town, by the following :

To prohibit or to restrict and regulate the sale by retail of any malt, spirituous, vinous, alcoholic or intoxicating liquors within the limits of the town ; and to fix a sum of not more than two hundred dollars for the granting of each certificate to obtain a license authorizing the sale of the same in the town.

Powers by by-  
law to :

Limit, &c.,  
abattoirs ;

Order cartage  
of injurious  
matters, &c.,  
through cer-  
tain streets,  
&c. ;

Prevent erec-  
tion of stables,  
&c., in certain  
places ;

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

Prevent un-  
wholesome  
odours, &c. ;

Prohibit erec-  
tion of hos-  
pitals, &c. ;

**23.** The town council may, by by-law, exercise the following powers :

1. Limit the number of public or private abattoirs in the town or prohibit them entirely ;

2. 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 ;

3. 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 thereof, cause all existing buildings to be removed, if they be not erected at such distance ;

4. Regulate or prohibit the erection, use or working, in the town, of unhealthy, unwholesome, 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 oil-cake factory, india-rubber or oilcloth factory, dyeing establishment, slaughter-house, butchery, tannery, brewery, distillery, gas-works, blue, glue or varnish factory, petroleum or coal oil refinery or warehouse, roofing composition factory, fireworks' factory, friction matches' factory, chemical works, alcohol rectifying establishment, and all other factories and workshops of any kind whatsoever, the working of which might endanger the public health or safety, either through danger of fire or owing to the smoke and emanations from such establishments ;

5. Prohibit, in the interest of public health and in that of private individuals, any person from allowing the emanation of unwholesome odours from such manufactories or shops ;

Prohibit the erection and establishment of all hospitals for contagious diseases in the town, without the consent of the council ;

6. 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 ;

Determine line of streets, &c. ;

7. Determine the height of, and order gratings to be put on, chimneys ;

Determine height of chimneys ;  
Protect citizens in streets, &c. ;

8. Take all possible means to protect the citizens in the streets and public squares and at railway stations.

For that purpose, the council may compel all provincial railway and tramway 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 the citizens, vehicles and animals passing through such streets ; and all such companies shall be liable to such penalty, not exceeding one hundred dollars, as the council may impose ;

Order gates to be placed at railway crossings, &c. ;

9. Prevent the obstruction of the streets by cars, or trains of cars, locomotives or engines, and impose, either on the servants of the railway company, or on the company itself, a fine not exceeding fifty dollars for each infringement of the by-laws passed for that purpose ;

Prevent obstruction of streets by cars, &c ;

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

R. S., 4453, replaced for town.

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

Require drainage of stagnant waters, &c. ;

If the owner of such land be unknown and have no representative in the town, or if he be too poor to raise or drain 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 elevation of such land at the expense of the corporation, saving recourse against the owner or occupant ;

Proviso if owners be unknown, &c. ;

11. Regulate the manner in which awnings shall be put up, and compel the owners thereof to remove them ;

Regulate awnings, &c.

12. 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 such stipulation respecting damages as may be agreed upon ;

Prohibit transport of houses through streets ;

13. Prevent every proprietor from re-building 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 ;

Prevent re-building of houses encroaching on streets, &c. ;

Power to purchase property to widen streets ;

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

Appoint meat inspector, &c. ;

14. 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 penalty for selling unwholesome meat, &c. ;

15. Impose a fine and imprisonment in default of payment of the fine, 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 ;

Determine where ice may be taken ;  
Compel filling up of grounds ;  
Assessment to pay cost if performed by town ;

16. In the interest of public health, determine the places where ice may be taken ;

Lien for such cost ;

17. Compel or regulate the filling up, draining or clearing of any grounds, yards, vacant lots, cellars, private drains, sinks, cess-pools 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, cess-pools and privies are situated, with the cost thereof, if done by the council in default of the proprietors ;

R. S., 4452, replaced for town ;

The amounts so expended shall constitute a lien on the said lot or lots, and shall be recoverable in the same manner as a special tax thereon ;

Organize system of sewerage and assess proprietors therefor, &c. ;

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

Organize a system of sewers for the town ; assess proprietors of immoveable property so as to defray the cost of making any common sewer in any street, in which such proprietors own property, including connections between such common sewer and the private drains of such proprietors ; and regulate the mode in which such assessment shall be made, either by the frontage of said property or otherwise, and the manner of levying such assessment, so that the cost of constructing and repairing the same be borne and paid by an assessment levied on the proprietors who benefit thereby ; provided that the delay for the payment of the said assessment be at least five years.

Regulate connections of private with public drains ;

19. Regulate the time when private drains shall be made, as also the manner and material with which the same shall be constructed, the town making the main sewer, the owners or occupants being bound to make and establish connections at their own cost, under the superintendence of an officer appointed by the corporation ;

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

20. Whenever the majority in number of the real estate owners or occupants on any street or part of a street in the town apply, by petition addressed to the town council, to have a common sewer made, the road macadamized or planked, or any other improvement made in such street or part of a street,—order all such improvements and regulate

the mode of levying and collecting a sufficient assessment for paying the cost thereof on the parties interested in such improvement, or on the proprietors or occupants of lots opposite which such improvements are made ;

Whenever an immoveable is situate on two or more streets, or on one or more streets and a public square, the council, in adopting such by-law, shall decide what proportion or part of the said immoveable benefits by the particular improvement made in such streets and public square, and shall apportion, in consequence, the special tax or assessment to be levied on the said property by reason of such improvement, subject to a final appeal to the Superior Court.

Proviso if property situate on one or more streets ;

21. Authorize and permit, on such conditions as the council may determine, the laying of tramways in the streets of the town, and regulate the number of passengers to be carried in each car or vehicle used by such tramway ;

Authorize laying of tramways in streets, &c. ;

22. Make special agreements with the city of Montreal, or with any municipality or municipalities, to secure, for a determinate period, an outlet for the sewerage and drainage of the town, the compensation therefor to be determined either by amicable arrangement 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 and most convenient point in the River St. Lawrence or elsewhere, through any municipality or municipalities, except the city of Montreal, by paying therefor such reasonable compensation as may be awarded by arbitrators ;

Make special arrangements with other municipalities for outlet for sewerage ;

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

Annex adjacent properties to town ;

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

Close streets, &c. ;

25. When a proprietor cedes, gratuitously, 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 ;

Grant exemptions to proprietors ceding streets, &c. ;

26. Make all agreements with trustees of turnpike roads concerning roads maintained by them, and with other corporations concerning roads belonging to them, within the limits of the town, for the possession of such roads, either by paying a sum annually, or by purchasing said roads,

Make arrangements with turnpike trustees as to roads, &c. ;

or for the widening or altering the same or otherwise, on such terms and conditions as the council may determine ;

Certain privileges not affected ;

Order that certain streets be less than sixty-six feet wide ;

Raise by assessment money to open, &c., streets, &c. ;

Acquire water-works, &c. ;

Make bridges, fences, streets, &c. ;

Proviso as to approval of by-law :

How cost to be borne ;

Power of council to declare that only certain portion of expense shall be borne by proprietors ;

27. Nothing in this act shall interfere with the privileges or rights of the Montreal Turnpike Trust ;

28. With the permission of the Lieutenant-Governor in Council, obtained on petition to him addressed,—order, in special and exceptional cases, that the width of roads and streets in the town be less than sixty-six feet ;

29. Raise, by special assessment or assessments, moneys sufficient to open, widen, prolong, alter, grade, level, or otherwise make, or pave any street, road, avenue, boulevard, lane or alley, public place or square (including those maintained by the trustees of turnpike roads), or any section or sections thereof in the town, or permanently improve the same, and acquire and lay water-pipes, and construct hydrants therein, as may be necessary to supply the inhabitants with water, and as a protection against fire ; make, enlarge, prolong, or keep permanently in repair the bridges therein, as may be necessary ; fence in such streets, roads, avenues, boulevards, lanes, alleys, public ways or squares, or any section thereof, and make, carry out and complete such work or works, or any or all of them ; provided that every such by-law is approved by a two-thirds' vote of the council ;

*b.* The cost of making and carrying out any such improvements shall be borne and paid by the owners of real estate, situate on each side of such street, road, avenue, boulevard, lane or alley, public way or square, or any section thereof, by means of a special assessment made, laid or levied upon the said owners of real estate, according to the frontage of such properties, when such improvements are made, the council, nevertheless, having power to declare, by resolution passed by two-thirds of the members of the whole council, that the said fronting properties shall be assessed only for a certain proportion or percentage of the cost of any such improvements, in the manner hereinafter set forth ;

*c.* The council, by a resolution passed by a vote of at least two-thirds of the members of the council, may declare that only a proportion or percentage of the cost of such improvements, or any of them, shall be paid for by the properties situated and fronting on the said streets, roads, avenues, boulevards, lanes, alleys, public places or squares, or any section thereof ; and, in that event, the secretary-treasurer shall, within ten days from the passing of such resolution, give special notice, addressed by registered letter through the post-office, to each person in whose name any of such fronting properties were last assessed, to his actual or last known domicile, and shall, in such notice, indicate the nature of the improvement, and

the amount or percentage of the cost thereof to be assessed on the fronting properties.

*d.* In the event of a petition, objecting to the whole or such proportion or percentage of the cost being assessed on such fronting properties, being presented to the council within thirty days of the passing of such resolution, signed by the majority of the proprietors, tutors and administrators, guardians, curators, institutes under substitution, trustees and the like, assessed for, possessed of, interested in, or owning such properties fronting on any of the said streets, roads, avenues, boulevards, lanes, alleys, public ways or squares, or any section thereof, the amount or percentage of the cost of any such improvements, to be borne and assessed by such fronting properties, shall be determined by arbitration; the arbitrators shall be appointed in the manner and according to the procedure prescribed for expropriations, as far as can be made applicable, save and except that the petitioners shall be bound to name and appoint, in and by their petition, one arbitrator to act on their joint behalf in the said arbitration.

Petitions in objection to percentage and proceedings there-after;

Arbitration in such case.

*e.* The award of the arbitrators, or a majority of them, shall form the basis of the assessment to be levied on such fronting properties, and the balance of the cost of such improvements shall be borne by the whole town.

Award to be basis of assessment.

*f.* The council may determine the mode, method and manner in which the said improvements, or any of them, are to be made and carried out, and the manner of laying, levying and collecting such special assessment or assessments, making the award of the arbitrators the basis of assessing fronting properties, in the event of their proportion of the cost of any such improvements being diminished, as aforesaid.

Council to determine how improvements are to be carried out, &c.

*g.* Such assessment shall be made, levied and collected at such time as may be ordered by the council, and it may order that the cost incurred in making any such improvements be levied and collected at once or by instalments during a certain number of years.

How assessments to be levied.

Such assessment, if the total cost of the improvements be spread over a certain number of years, may include the interest on future payments.

Interest thereon.

*h.* As soon as the accounts of the cost of making and carrying out the improvements, and all expenses connected therewith, shall have been sent in and approved by the council, the secretary-treasurer shall, within a delay to be fixed by the council, make a special roll for the assessment and apportionment of the cost of such improvements.

Special roll to be made.

*i.* When the special assessment roll shall have been made, the secretary-treasurer shall give public notice in one English and one French daily newspaper, published in the city of Montreal, to be inserted, once a week during three

Notice of preparation of special assessment roll and what to contain.

consecutive weeks, stating the date and hour when such special assessment roll shall be submitted to the council for homologation.

Hearing of objections to roll.

*j.* The council shall, on the date fixed, hear the parties interested, and may adjourn its meetings from time to time when necessary; and, after examination of any complaints or objections that may be made, may maintain such assessment roll, with or without amendments, as the case may be, subject to a final appeal before the Superior Court.

Supplementary assessments.

*k.* In case the first assessment proves insufficient, the council may make or cause to be made a second in the same manner, and so on until sufficient money be realized to pay for such improvements or works.

When assessments become due.

*l.* Such assessment shall be due and exigible from proprietors in such proportional amounts or instalments as may be fixed by the council; and the secretary-treasurer, when so ordered, shall collect the instalments or amounts from the proprietors in the manner in which municipal taxes are collected.

Privilege for assessments.

*m.* The said assessment shall be a privileged debt exempt from the formality of registration, and shall bear interest at six per cent. per annum, from the date on which it becomes due, and discount for prepayments may be allowed.

Power to purchase land required for improvements.

**24.** 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, necessary for the purpose of the improvements, or for any purposes whatever, either by amicable arrangement, entered into between the town and the proprietors or other persons interested, or by adopting the provisions and complying with the formalities respecting expropriations.

Power to purchase, &c., lands to open streets, &c.

**25.** The council shall have power to purchase, acquire, take and enter into any land, ground or real estate whatever, within the limits of the town, for the purpose of opening any streets or roads through the same, or for forming or making any public parks or squares conducive to the health and well-being of the inhabitants of the town, either by amicable arrangement entered into between the corporation and the proprietors or any persons interested, or by complying with the provisions, applicable to the corporation, respecting expropriations; and, in the event of its being necessary or advisable, for the purpose of such improvements, to acquire any larger tract or parcel of land than may be ultimately required for the purpose of such improvements.

Power to sell lands acquired and not required.

**26.** The council may sell any portion or portions of the land so acquired and not ultimately required for such pur-

pose, and shall apply the proceeds thereof in part payment for such improvements; and, if a special assessment be levied for the same, the balance of such cost shall alone be assessed for.

**27.** The council may acquire and purchase any land for the use, and required in the interests of the town, either within or without the limits of the municipality, but, if such land is situate in another municipality, with the consent of such municipality, and may provide for the lease, purchase or erection of any building that the town may require.

Power to purchase lands required by municipality.

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

Power to contribute to improvements, &c.

**29.** In case of a special assessment for any improvement, the council, if it thinks fit, may, by by-law or resolution, provide for constructing, at the expense of the general funds of the municipality, such part of the said improvements as may be situate upon or in that part of any street, lane, alley, public place or square, which is intersected by any other street, lane, alley, public place or square, or as would otherwise fall on property exempt from assessment.

Payment for certain improvements out of general funds.

**30.** The council of the town may, by by-law or resolution, provide an equitable mode of assessment for any improvements ordered or to be ordered for works and services on corner lots; triangular or other irregular shaped pieces of land situate at the intersection or junctions of streets, roads and squares, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such works, improvements and services, and may charge the amount of any allowance made on any such lot or pieces of land on the other real property fronting on the improvements, or assume the same as a portion of the corporation or town share of the work or improvements, or otherwise, as the council may determine.

Method of assessment for improvements, &c.

### TITLE III.

#### TAXES.

**31.** The council may, in addition to the special assessments which it is by this act empowered to levy, make by-laws to impose and levy:

Power by by-law to levy:

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

Assessments on immovables;

tions thereon, not to exceed one cent 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 ;

Special tax on certain trades, business and callings ;

b. A special tax upon resident carters doing business in the town ; upon proprietors of horses and vehicles, for each horse or vehicle ; upon brokers, money-lenders or commission merchants ; 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 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, whether they reside in the town or not ; upon gas companies doing business in the town or having property therein.

Amount to be fixed by by-law.

The amount of such annual dues 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, at a specified sum, or, in other cases, at 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 such amount exceed two hundred dollars per annum, and provided there is nothing inconsistent with the provisions of any public statute ;

Not to exceed certain sum.

Taxes on owners of dogs.

c. A tax, not exceeding five dollars per annum, on every owner of a dog.

License for dogs.

2. The town may compel owners of dogs to take out an annual license for each such animal ;

Tax payable annually and discount for pre-payments.

3. Every tax or assessment, imposed by virtue of this article, shall be payable annually, and at the time fixed by such by-law, and a discount for pre-payments may be allowed.

Special tax on trades, &c.

32. The council may, in its discretion, order that every special tax, imposed on any trade, business or corporation, be imposed and levied in the form of a license ; and, thereupon, the said special tax shall be payable annually, at such

time and under such conditions and restrictions as the council may determine.

**33.** The council may, by by-law, impose and levy annually, upon every male inhabitant of the age of twenty-one years and over,—resident in the town, and not otherwise taxed,—a sum not exceeding one dollar.

Upon male inhabitants of twenty-one years old and over.

#### TITLE IV.

PROPRIÉTÉ DE  
L'ASSEMBLÉE LÉGISLATIVE  
QUÉBEC.

#### MISCELLANEOUS PROVISIONS.

**34.** 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.

Hours, &c., during which council office is to be open.

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

Power of constable, without being required, to :

1. 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 dealt with according to law ;

Arrest, on view, persons contravening by-laws ;

2. 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, field, yard, or other place, lodging or sleeping in any barn, shed, or other unoccupied building, or in any tent, cart, or other vehicle, and not giving a satisfactory account of himself ; and, also, any person shouting, swearing or making a noise in any public street or road, or in any other place within the limits of the town.

Arrest, on view, vagabonds, &c.

**36.** In no case shall the debt of the town exceed fifteen per cent of the assessed value of the real estate of the town.

Debt of town limited.

**37.** Article 4524 of the said Revised Statutes is replaced, for the town, by the following :

R. S., 4524, replaced for town.

Whenever the council contracts a loan, it is shall at once provide, from and out of the revenues of the corporation, for the payment of the annual interest, and for the establishment of a sinking fund of at least one per cent per annum for each such loan, or provide for the payment of such loans by means of annuities as provided by articles 4637*a*, 4637*b* and 4637*c* of the Revised Statutes.

Interest on loan.

The annual rate of interest can in no case exceed the legal rate of interest.

Rate limited.

R. S., 4525,  
not to apply.

**38.** Article 4525 of the said Revised Statutes does not apply to the town.

R. S., 4533,  
replaced for  
town.

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

Who presides  
over poll.

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

Duration of  
polling.

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

Power of cor-  
porations,  
&c., to vote  
on by-laws re-  
specting  
roads

**40.** Corporations and estates holding immoveables liable for special assessments shall, on matters respecting loans, have the right to vote through their agent or duly authorized attorney; provided they give the name of their said agent or attorney to the secretary-treasurer of the town, at least five days before the date specified for the adopting or rejecting of the said by-law.

Special assess-  
ments for  
water-works.

**41.** The council may, by by-law, levy and collect special assessments to pay for the establishment, maintenance and management of water-works, public wells, cisterns and reservoirs, in such manner as it may deem fit, and may regulate the manner of laying, levying and collecting such special assessments.

R. S., 4486  
and 4487, not  
to apply.

**42.** Articles 4486 and 4487 of the said Revised Statutes do not apply to the town.

How power  
to assess for  
construction  
of sewer, to be  
exercised.

**43.** The power of the council to assess proprietors according to frontage, to defray the cost of the construction of a sewer in any street in the town, may be exercised, as to any sewer that may be ordered to be constructed by the council in any proposed street or lane not yet opened to the public, when the council shall consider such sewer necessary in the interest of public health.

R. S., 4478,  
replaced for  
town.

**44.** Article 4478 of the said Revised Statutes is replaced, for the town, by the following :

Planting of  
trees.

The council may, by by-law, cause trees to be planted along municipal or other streets or along sidewalks, or in any public places at the expense of the town, and may determine the number of trees.

Storage of  
rags, &c.

**45.** The council may license, control or regulate the collection and storage of rags and other waste material.

Plumbing.

**46.** The council may license, regulate and inspect plumbing.

**47.** The council may prevent the destruction or capture of birds. Destruction of birds.

**48.** The council may, by by-law, establish the level and alignment of the streets of the town, and shall, upon demand, deliver to each proprietor, who shall pay the cost thereof, a copy of such certificate of level ; and such level and alignment shall be binding upon the proprietors interested, reserving all rights to damages. Level, &c., of streets.

**49.** Article 4498 of the said Revised Statutes is replaced, for the town, by the following : R. S., 4498, replaced for town.

It is the duty of the valuers in office, annually to make, at the time and in the manner ordered by the council, a valuation of the taxable property of the municipality according to the real value ; they also make the valuation of the annual value of the said property and enter it in the roll in a separate column ; they also enter in the roll the names of the occupants, and the amount of the annual rent paid by each. Annual valuation of taxable property. Valuation of annual value. Names of tenants and amount of rent.

The valuers shall, annually, when making the valuation roll, make the valuation of the taxable immoveable property, irrespective of the buildings thereon erected, and enter the same in a separate column ; and such valuation shall be the basis on which any special tax, ordered to be levied on such valuation, shall be made. How they proceed on making valuation.

**50.** The valuation roll in force at the time of the coming into force of this act, shall be the valuation roll of the town, until one be drawn up in accordance with this act. Present valuation continued until new one made.

#### PLANS OF THE TOWN.

**51.** Every plan or map of the municipality, or any part thereof, already made, or which may hereafter be made, when confirmed by the Superior Court, shall be binding upon the corporation and the proprietors therein interested, and upon all other persons whomsoever ; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new streets, public places or squares shown on the said plan, or at the time of the widening of any of the streets, public places or squares indicated on the said plan, for any buildings or improvements whatsoever, that the proprietors or any persons whomsoever may have made or caused to be made, after the confirmation of the said plan, upon any land or property reserved either for new streets, public places or squares, or for the widening of any of the streets, public places or squares in the town ; provided that nothing in this act contained shall be construed as depriving the corporation of the right to widen Plan, when confirmed, to be binding on all concerned. Certain streets, &c., may however

be widened,  
&c.

How such mo-  
dification to  
be made.

or extend any of the streets, public places or squares designated in such plan, after its confirmation, or of abandoning the opening of any new street, or of the widening or extending of any existing street, as shown on the said plan ; but no such modification shall be made, unless it be resolved at a meeting of the council by a vote of two-thirds of the members of the council ; and, thereupon, any of the judges of the Superior Court may, upon a petition of the corporation, order that the duplicates of the said plan, deposited in the office of the prothonotary of the Superior Court, be modified accordingly.

Plans where  
to be deposit-  
ed.

**52.** A duplicate of each of the said plans shall be deposited, immediately after its completion, in the office of the prothonotary of the Superior Court for the district of Montreal, and another in the archives of the corporation.

After such plan shall have been confirmed and ratified by the said court, the secretary-treasurer shall make an entry upon the duplicate of the said plan, deposited in the archives of the town, in the following words :

“ Confirmed by the Superior Court, on the..... day of.....one thousand.....”

Power to open  
and widen  
streets.

**53.** The town may open to the public any new street, highway, public place or square shown on the said plans or maps, and also may widen any of the streets, public places or squares thereon indicated as to be widened, after having adopted the formalities and procedure relative to expropriation and the levying of special assessments ; and the said town shall be bound so to do, within one year from being thereto requested by a petition presented to the council, signed by such number of proprietors as own more than one-half of the aggregate frontage on any of such new streets, highways, public places or squares, or section or sections thereof, as shown on the said plans or maps, or by those representing, administering or being interested in the said aggregate frontage, whether as tutors, administrators, guardians, institutes under substitution, curators, trustees, or the like ; and in any event, the corporation shall be bound to expropriate the property within three years from the homologation of the plan, otherwise the proprietor shall not be bound by the plan.

#### EXPROPRIATIONS FOR MUNICIPAL PURPOSES.

Notice to par-  
ties to produce  
estimate of  
value. if their  
property is  
expropriated.

**54.** In all cases of expropriation, the council shall, by public notice and by registered letter, call upon the parties to produce, within thirty days from the date of such notice, an estimate of the valuation of the property, or portion of property, to be expropriated, and, in general, all

claims for damages and compensation, so as to be in a position to enter into arrangements and make offers.

The town itself shall be obliged to make offers to each of the persons to be indemnified.

Offers to be made to them.

**55.** If, by an award of arbitrators made in expropriation for municipal purposes, the sum awarded exceeds the sum offered by the town, the costs of the arbitration shall be borne by the town ; but, if otherwise, they shall be borne by the opposite party and be deducted from the amount of the award ; and, in either case, the amount of such costs, if not agreed upon, may be taxed by a judge of the Superior Court.

Costs, if award exceeds sum offered by town, by whom payable.

If otherwise.

**56.** Article 4566 of the said Revised Statutes is replaced, for the town, by the following :

R. S., 4566, replaced for town.

The arbitrators proceed at the time and place fixed by them, and of which they shall have given at least ten days' special notice to the parties interested.

Notice by arbitrators.

The arbitrators, after having examined and valued the lands and heard the parties, give their decision, by means of a certificate signed by them, or by a majority of them, which they deposit in the office of the council.

Decision of arbitrators.

Such decision is final and without appeal.

Decision final and without appeal.

**57.** This act shall be known as the " Charter of the town of Outremont."

Name of act.

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

Coming into force.

## C A P . L V I .

An Act to incorporate the town of Ste. Anne de Bellevue.

[Assented to 12th January, 1895.]

**W**HEREAS the provisions of the Municipal Code have ceased to meet the requirements of the inhabitants of the village of Ste. Anne de Bellevue ;

Preamble.

Whereas the corporation of the village of Ste. Anne de Bellevue has prayed to be incorporated as a town, in accordance with the provisions of chapter first of title eleventh of the Revised Statutes ;