

CAP. LVI.

An Act to amend the charter of the city of Montreal.

[Assented to 8th January, 1894]

Preamble.

WHEREAS numerous complaints have been made with respect to the working of the various articles of the charter of Montreal; whereas application has been made by several rate-payers of the city to have changes made in such charter, and it is expedient to grant their prayer, in the interest of the proper administration of the city;

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

52 V., c. 79, s. 12, replaced

1. Section 12 of the act 52 Victoria, chapter 79, is replaced by the following:

Composition and powers of council

12. The council of the city shall be composed of the mayor, and of two aldermen for each ward; and shall exercise all the powers granted to, and imposed by this act upon the said city."

Id., s. 16, replaced.

2. Section 16 of the said act is replaced by the following:

Representation of wards in council and term of office of aldermen.

16. The several wards of the city shall be each represented in the council by two aldermen, who shall not continue in office without being re-elected for a period of over two years, and who shall severally be justices of the peace for the city."

Id., s. 20, replaced.

3. Section 20 of the said act, as replaced by the act 55-56 Victoria, chapter 49, section 25, is again replaced by the following:

Qualification to be nominated or elected aldermen.

20. No person shall be capable of being either nominated or elected alderman, unless he has been a resident of the city for one year immediately preceding the election.

Qualification of alderman.

To be eligible as alderman, it is necessary to have been seized and possessed as proprietor, during the six months next preceding the day of his nomination, of real estate in the city of the value of two thousand dollars, after payment or deduction of all charges whatever imposed thereon; the total value of such real estate shall be established by the amount mentioned as the valuation thereof in the existing valuation roll."

Id., s. 30, § 2, replaced.

1. Paragraph 2 of section 30 of the act 52 Victoria, chapter 79, is replaced by the following:

Qualification of tenants as electors.

2. Every male person, not being a guest, or lodger, in a hotel, boarding-house or private dwelling, and being an

inhabitant householder in the city, whose name is entered on the last assessment roll in force, as the tenant of a dwelling-house or part of a dwelling-house in the ward for which such list is made, such dwelling-house or part thereof, if the tenancy be of a part, being of the assessed value of three hundred dollars or upwards, or of the estimated yearly value of thirty dollars or upwards."

5. Section 30 of the said act is amended by adding the following paragraph at the end thereof:

Id., s. 30, amended.

4. But, to be entitled to be entered on the electors' list and to be entitled to vote, he must be a British subject.

Electors to be British subjects.

6. Section 33 of the said act is replaced by the following:

Id., s. 33, replaced.

"33. Before the first day of December in each year, the assessors shall make, from the last assessment roll then in force, an alphabetical list of the persons qualified to vote at elections under this act, to be called: 'The electors' list,' wherein they shall insert the names and surnames of the electors, their occupation and the street and number of the property in respect of which they are qualified to vote; and they shall also indicate in a separate column, the nature of the qualification of such electors, whether as owners, occupants or tenants.

Electors' list and what to contain

It shall be the duty of the assessors, in making up the alphabetical list aforesaid, to strike therefrom the names of persons who are dead, and also, in cases of property reputed as belonging to an estate or to several heirs, to exclude the names of any minors."

Who are to be excluded therefrom.

7. Section 38 of the said act is replaced by the following:

Id., s. 38, replaced.

"38. Within the first fifteen days of December in each year, the city, after a public notice of eight days has been given in at least two city newspapers, one in the French and the other in the English language, shall, by petition to the Superior Court or to one of the judges of the said Court, apply for the appointment of three persons, who shall compose the board of revisors of the city and shall be neither aldermen nor employees of the city.

Board of revisors how, by whom, when and upon what petition appointed.

The said revisors, before entering on their duties, shall make oath to fulfil their duties faithfully.

Revisors to be sworn.

They shall perform the duties of the revisors, and shall receive for their services five dollars per diem for a term of twenty days. Any term required to complete their duties exceeding twenty days shall be gratuitous.

Payment, &c., of revisors.

Two members shall form a quorum.

Quorum.

This section shall apply only to elections subsequent to the 1st of February, 1894."

Application of section.

Id., s. 53, replaced.

8. Section 53 of the said act, as amended by the act 56 Victoria, chapter 49, section 10, is replaced by the following:

Polling.

"53. When a poll has been granted for the election of the mayor, the voting shall take place in all the wards, and when a poll is granted for the election of an alderman, the voting shall take place in the ward for which the poll has been granted; the voting for the election of the mayor and aldermen shall take place on one and the same day, that is to say: on the first day of February, at the places and before the deputy returning officers appointed as hereinbefore provided, and the polls shall be opened at nine o'clock in the morning and closed at five o'clock in the afternoon.

Voting to be on same day for mayor and aldermen.

When polls to be opened and closed.

Constables at polls to maintain order.

Special constables if police force insufficient and payment thereof.

Penalty on chief neglecting duty.

Recovery thereof.

It shall be the duty of the chief of police to station at each poll, during any civic election, two constables for the purpose of aiding in the preservation of order and arresting any person voting or attempting to vote in the name of another. If the police force of the city is insufficient in number for this purpose, the chief of police shall appoint and swear in special constables, who shall be entitled to two dollars per diem for such services, which sum shall be paid by the city treasurer upon the order of the chief of police. For neglecting to observe the provisions of this section, the chief of police shall be liable to a penalty of twenty-five dollars for each poll not provided with constables as aforesaid. Such penalty to be recovered by any person suing for the same."

Id., s. 56, replaced.

9. Section 56 of the act 52 Victoria, chapter 79, is replaced by the following:

Articles R. S., as to corrupt practices, to apply.

"56. Articles 408 to 425, both inclusive, and 431 to 435, both inclusive, of the Revised Statutes, having reference to corrupt practices at elections, the punishment thereof, and matters incidental thereto, shall apply to all elections under this act.

What are corrupt practices.

Any act or offence punishable under any of the provisions of article 408, 410, 411, 413, 414, 415, 416, 417, 418, 419, 420 and 421 of the said Revised Statutes, shall be corrupt practices within the meaning of this act.

Arrest of persons attempting to personate or personating a voter, &c.

Every person who, at any election for mayor or alderman for the said city or for any ward thereof, shall illegally endeavor to vote or who shall vote for and instead of another elector, may be arrested on view by the returning officer or by any justice of the peace, in the said city, or by any other peace officer or constable present at such election, or on warrant issued by any justice of the peace; and the person so arrested shall be taken to the police station and kept in safe-keeping, or confined in the common gaol of the

district of Montreal, until the end or close of the election, and until good and sufficient security be given that such person so arrested shall appear and answer to the charge to be preferred against him in that respect before the Recorder's Court; and every such person, upon conviction of the offence aforesaid, shall be liable to a fine of one hundred dollars, and in default of immediate payment, shall be liable to an imprisonment of three months in the common gaol for each and every such offence." Penalty.

10. Paragraph 1 of section 81 of the said act is replaced by the following : Id., s. 81, § 1, replaced.

"1. An assessment on immoveable property liable to taxation in the city not exceeding one per cent of the assessed value of such property, for which assessment the owner thereof shall be personally liable." Assessments on immoveables.

11. The following section is added after section 121 of the said act : Section added after s. 121 of said act.

"**121a.** The owner of an immoveable property, sold in virtue of the provisions of title twelve of this act, shall be entitled to redeem it in two years, by repaying to the purchaser the amount of the adjudication, with ten per cent in addition." Redemption of property sold for taxes.

12. The following section is added after section 127 of the said act : Section added after s. 127 said act.

"**127a.** The publication of the yearly report of the city treasurer shall be obligatory hereafter ; and, in such report, the said treasurer shall indicate the items of receipts and expenditure, and classify them in such manner as to distinguish the ordinary receipts and expenditure from the extraordinary receipts and expenditure." Yearly report to be published by treasurer and what to contain.

13. The following section is added after section 139 of the said act : Section added after s. 139 of said act.

"**139a.** The borrowing power of the city for the next four years is limited to fifteen per cent on an assessed value not exceeding the sum of one hundred and sixty million dollars, and, thereafter, the said power shall be limited to fifteen per cent on the assessed value of the taxable property ; it being understood that one million dollars of the new borrowing power shall be used for existing engagements, and the balance in annual payments of three hundred and ninety-five thousand dollars, extending over a period of four years to come, for the carrying out of permanent improvements during that time." Limit of loaning power of city.

All authorization to make any special loan which has not yet been completed is cancelled ; and the city shall have no power to make any further special loan. Application of certain portion of loan.
Authority for certain loans not effected, cancelled.

56 V., c. 49, s. 12, amended.

14. Section 12 of the act 56 Victoria, chapter 49, is amended by replacing the word "three" by the word "two," in the fourth line.

Coming into force.

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

CAP. LVII.

An Act to amend the act 54 Victoria, chapter 78, respecting the charter of the city of Montreal.

[Assented to 8th January, 1894.]

Preamble.

WHEREAS the citizens of the city of Montreal prayed the Legislature at the session of 1892, that the following rule respecting the widening of the streets of the said city be established in an uniform manner, to wit : that the cost of the whole widening be defrayed one half by the proprietors of the street widened and the other half by the city, and the charter of the said city was amended accordingly ;

Whereas it is expedient to further amend the law with regard to other expropriations ;

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

Payment of cost of widening certain streets how to be made.

1. Notwithstanding any law to the contrary, the cost of widening each of the following streets, namely : Pine Avenue, Bleury street, Milton street, Inspector street, Cathedral street and Lagauchetière street, shall be paid as follows, namely : one half by the city and one half by the properties fronting on the lines of the said streets, assessed to a depth not exceeding one hundred feet. For the following streets : Ontario street, from Frontenac to eastern limits, Beaudry street, Pantaléon street, Ste. Catherine street, from Dësery street to the eastern limits, and Viger square, the cost shall be paid as follows : one half by the city and one half by the proprietors interested as per existing rolls prepared by the commissioners in each case fixing the limits.

55-56 V., c. 49, s. 22, § 4, replaced.

Cost of widening of certain part of Notre-Dame street how to be paid.

2. The fourth paragraph of section 22 of the act 55-56 Victoria, chapter 49, is replaced by the following :

" 4. The cost of the expropriation made for the widening of Notre-Dame street, between Lacroix street and Papineau Avenue, shall be paid as follows : five eighths by the city and the other three eighths by the owners of property bordering on the said Notre-Dame street to a depth of fifty feet, from Dalhousie square to Papineau Avenue."