

CAP. XLIX.

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

[Assented to 24th June, 1892.]

WHEREAS it is expedient to define and increase the Preamble.
powers conferred upon the city of Montreal by its
charter, 52 Victoria, chapter 79, as amended by the acts
53 Victoria, chapter 67, and 54 Victoria, chapter 78 ;

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

1. The subscription of five thousand dollars voted by the council of the city of Montreal, on the ninth March, 1891, in aid of the unfortunate victims of the disaster at Springhill, in the Province of Nova Scotia, is ratified and confirmed. Certain subscription ratified and confirmed.

2. Section 34 of the act 52 Victoria, chapter 79, is 52 V., c. 79, s. 34, replaced.
replaced by the following :

“ **34.** In preparing the voters' list, the assessors shall subdivide each ward into as many electoral districts as they may deem convenient, each of the said districts to contain two hundred voters or thereabout, shall make a report in duplicate of such subdivision, shall sign the same and retain one duplicate thereof, and transmit the other to the city clerk ; they shall make out, for each such electoral district, an alphabetical list of voters, which they shall sign, certifying that it is correct to the best of their knowledge and belief, and shall deliver the same to the city clerk prior to the first day of December ; and, at any election held under this act, each of such electoral districts shall constitute a polling district for such election ; but the board of revisers may unite several of such districts in one poll, provided the number of qualified voters in such united districts does not exceed three hundred.” Division of wards into electoral districts. Alphabetical list of voters. Union of such districts in certain event.

3. Every future issue of debenture stock may, at the option of the council, be either permanent and perpetual, or even for a specified period, notwithstanding sections 128 and 131 of the said charter ; and it shall be lawful for the said council to withdraw from circulation such portion of the three per cent consolidated stock as may not have been sold, by means of debenture stock, of an issue to be made in accordance with the said cited sections of the charter and with this section. Issue of debenture stock. Conversion of consolidated stock.

The city council is hereby empowered to amend the by-laws (passed in virtue of sections 128 and 131 of the act 52 Victoria, chapter 79) fixing the rate of interest on civic stock may be amended. Certain by-laws fixing interest on civic stock may be amended.

stock at three per cent, and to substitute any higher rate of interest which may be resolved upon, within the limit of four per cent, fixed as the maximum by the said act.

Id., sec. 123,
replaced.

4. Section 123 of the charter is replaced by the following :

Interim ap-
propriation for
current ex-
penses to be
made and
when.

" 123. Every year, during the first week in January, the finance committee shall make an interim appropriation for the ordinary current expenses of the city, during the period of the fiscal year, between the first day of January and the making of the appropriation hereinafter provided for ; which, on being approved by the council, will have force until such last mentioned appropriation is made. And, thereafter, on or before the first day of May, the council shall make an appropriation of the amounts necessary to meet the expenditure of the current fiscal year by providing :

Annual ap-
propriation
for expendi-
ture for fiscal
year to be
made for :
Payment of
interest and
sinking fund ;

1. For the payment of the interest on the debt due by the city, and for such sum as shall be required during the year for the sinking fund ;

Ordinary
expenditure ;

2. For the general and ordinary expenditure of the city ;

Cost of con-
templated im-
provements ;

3. For the cost of contemplated improvements for the current year, such as widening, extending or opening streets, paving, drainage, extension of water-works, a statement whereof shall be determined and specified, with an estimate by the heads of the several departments, giving the probable cost of each of such improvements ;

Unforeseen
expenses.

4. For a reserve of not less than five per cent on the gross revenue of the preceding year, to be used exclusively to meet unforeseen wants."

Id., sec. 124,
replaced.

5. Section 124 of the charter is replaced by the following :

Appropriation
not to exceed
certain sum.

" 124. Such appropriation shall never exceed the amount of the receipts of the preceding year, added to the balance of such receipts remaining unexpended and to the available amount of any loan authorized by this act or by its amendments ; but the city may raise, by "Temporary Bonds," the amount of the proprietors' shares of such improvements, until such time as the special assessment levied therefor shall have been collected.

Issue of tem-
porary bonds
for certain
purposes.

Id., sec. 96,
replaced.

6. Section 96 of the said charter is replaced by the following :

Notice of
completion of
assessment
roll.

" 96. Upon the completion of the assessment roll of any ward or wards, the assessors shall give notice of such completion by advertisements in the newspapers specifying in such notice the delay for examining such assessment roll, which shall not be less than eight days from the date of the last insertion of such advertisement, and fixing the days on which such assessment rolls will be revised respectively.

Such revision shall not be made later than the twentieth of August in each year for the water rates and personal taxes, nor than the twentieth of September for the assessment roll of immoveables. When revision to be made.

7. Section 97 of the said charter is replaced by the following: Id., sec. 97, replaced.

" 97. On the day fixed by such notice, the assessors shall meet in their office, in the city hall, and shall hear and examine all complaints that may be brought before them, in conformity with such notice, respecting any entry in such assessment roll; they shall make an entry of each of such complaints in the register, and may adjourn, from time to time, as may be necessary to hear and determine such complaints; and it shall be the duty of the assessors to hear and examine on oath, such person and any witnesses appearing before them; and they shall consider all evidence adduced touching such entry, and, as the case may be, may confirm or amend it, and they shall notify the complainant thereof, by causing a written or printed notice to that effect to be mailed to him through the post office. Hearing of complaints against assessment roll and decision thereon.

Each of the assessors is authorized to administer the oath or affirmation, as the case may be, to the interested parties and their witnesses. By whom oath may be administered.

No complaint as to any entry in any assessment roll shall be received after the day fixed for the examination and revision of such roll. Complaints not to be received after such time.

The assessors shall keep a summary record of their proceedings upon all complaints made to them. Record of proceedings to be kept.

8. Section 1 of the act 54 Victoria, chapter 78, is replaced by the following: 54 V., c. 78, s. 1, replaced.

" 1. Section 91 of the charter of the city of Montreal (52 Victoria, chapter 79) is amended, by adding the following words thereto: 52 V., c. 79, s. 91, amended.

" That is to say, that they will first make a valuation roll of all the immoveables for each ward, and a separate and distinct roll of the personal taxes and water rates, also for each ward; the roll of personal taxes and water rates shall be completed and deposited in the hands of the treasurer, on the first of September in each year, and the assessment roll of immoveables on the first of October. Duty of assessors in making assessment rolls. When rolls to be completed.

Two of such assessors may assess the immoveables and prepare the roll for each ward, and one of such assessors may make the roll of personal taxes and water rates for each ward; but such roll shall be subject to revision by a majority of the said assessors, as herein prescribed. Two to assess immoveables, one may make roll of personal taxes and water rates. Revision by majority.

At any time after such rolls are made, the assessors shall make a supplementary roll, containing the names of all Supplementary roll.

persons omitted from the first roll or who have become liable to the payment of an assessment, tax or other municipal dues whatsoever."

Entries of payments and credits may be made by treasurer. Decision of assessors may be mentioned on rolls.

9. It shall be lawful for the city treasurer to make entries of payments or credits on the margin of the said rolls, without, however, in any way altering or changing the said rolls; but the decision of the assessors on the claims made by the rate-payers, in accordance with the preceding provisions, may be briefly mentioned on the said rolls.

52 V., c. 79, s. 92, amended.

10. Section 92 of the act 52 Victoria, chapter 79, is amended by repealing the second paragraph thereof.

School taxes may be included in register. Revision of panels by treasurer.

11. The roll for school taxes may be included in the register, containing the assessment roll for immoveables, and with the same formalities; the treasurer may also revise the panels of such school roll in the same manner and to the same effect as if they were in a separate book or roll.

Certain improvements, notwithstanding 54 V., c. 78, s. 2, § 12, to be completed by certain time.

12. Notwithstanding the provisions contained in subsection 12 of section 2 of the act 54 Victoria, chapter 78, the proceedings in expropriation, and the construction of an underground road and an elevated road in Berry street, shall be commenced immediately after the present session of the Legislature, and the proceedings for the widening of Côte St. Lambert and the opening of St. Lawrence street, as far as Commissioners street, must be finished by the first of January, 1894.

Application of certain loan.

The loan, which the city has been authorized to effect to the amount of \$200,000, by the act 53 Victoria, chapter 67, section 4, shall be applied first, to the improvement first mentioned, and the balance shall be applied to the improvement mentioned in the second place; the surplus of the cost will be paid by the whole city, by means of an assessment levied and collected according to section 127 of the act 52 Victoria, chapter 79.

Payment of surplus cost.

Exemption of certain property from apportionment necessitated by opening a street in certain event.

13. When a proprietor cedes gratuitously to the city any land for a street traversing his property, the remainder of the property, fronting on the new street, may, by resolution of the council, be exempted, wholly or in part, from the apportionment necessitated by the opening of such street; provided that the part so exempted has a depth of not more than one hundred and fifty feet.

Certain agreements ratified.

14. The agreement entered into between the city and Hormidas Laporte, Jean Baptiste Martin and Joseph Octave Boucher, importers and grocers, of the city of Montreal, on the 13th February, 1891, and executed the same day before

Mtre Onésime Marin, notary, is hereby ratified and confirmed; as well as the agreement come to under the same conditions respecting a lot of land situate on Mountain street, known as the "Boys' Home."

15. Subsection 9 of section 2 of the act 54 Victoria, chapter 78, is amended by substituting a sum equal to one half of the cost of the expropriation as the city's contribution towards defraying the cost of widening St. James street, for that of twenty-five thousand dollars, in consequence of the damages which may have been caused to the interested parties by the delays which have hitherto prevented the accomplishment of the proceedings in expropriation; provided that no damages can be claimed from the corporation by reason of the delays incurred in the expropriation; and the city is authorized to resume and continue such proceedings by and through the commissioners already appointed for such expropriation, or who may be lawfully appointed in the cases provided for by the charter.

The first section, from the city limits to Mountain street, shall be completed on or before the first day of May, 1893, and the second section, from Mountain to Cathedral streets, on or before first of May, 1893; but the cost of the improvement of the second section shall not be paid for by the city until first of May, 1895; provided, always, that the said city annually pays the interest upon the indemnity allowed up to the payment thereof.

The city is empowered to take possession of the land and buildings expropriated, immediately after the homologation of the award of the commissioners.

16. Notwithstanding the provisions of subsection 13 of section 2 of the last mentioned act, the city is authorized to commence proceedings in expropriation for widening Notre-Dame street, from Chaboillez square to the southwestern limits of the city, immediately after the present session of the Legislature of the Province of Quebec, and to continue the same without interruption until fully completed.

17. In view of the long delays which have occurred in the proceedings in the expropriation, to the great detriment of the parties interested, and the diligence and promptness required to effect improvements when once ordered by the competent authorities, the commissioners in expropriation shall, to have a right to their fees, hereafter be bound to sit at least four hours a day until they have signed their report and have also completed the roll of apportionment; provided that the interested parties are ready to proceed.

52 V., c. 79,
s. 130, re-
placed.

Application
of remain-
der of issue
to certain
purposes.

18. Section 130 of the act 52 Victoria, chapter 79, is replaced by the following :

“**130.** The remainder of the issue, hereby authorized, shall be used for permanent and other works, as at present provided under existing statutes, that is to say : (1) water-works, (2) drainage, (3) street opening or widening, (4) street paving and sidewalks, (5) fire and police stations, (6) public markets, (7) permanent works to prevent inundations, (8) hospitals for epidemic diseases, (9) levelling and finishing streets, known as Pine avenue, Cedar avenue, St. Catherine East, Champlain, Plessis, up to the sum of seventy thousand dollars, (10) and the establishment of incinerators.”

Power grant-
ed to city to
pass by-laws
for :

Ordinary ne-
cessary work
to be done
on private
streets, &c. ;

Prohibiting
drivers from
soliciting ;
Prohibiting
soliciting pas-
sengers, &c. ;

Levying taxes
on telegraph,
telephone and
electric light
poles, &c. ;

Regulating,
&c., construc-
tion of build-
ings.

19. In addition to the objects for which the city council is already authorized to pass by-laws, power is hereby granted it to adopt by-laws for the following purposes :

1. To order necessary work to be done in private streets, and have the expense thereof paid by owners of properties therein, when the majority of such proprietors apply for the same ;

2. To prohibit drivers of public vehicles from soliciting passengers outside of their stands ;

3. To prohibit any person from soliciting passengers for licensed carters or hotels, or from acting as runners or agents for any licensed carter within the city limits ;

4. To levy a tax on each telegraph, telephone and electric light pole, and on the wires attached thereto, provided that the said tax does not exceed twenty-five cents per pole and one per cent. of the value of the wires attached thereto, and to collect the amount annually from the proprietors thereof. Nothing in this subsection shall affect the rights required by the contract entered into between the city of Montreal and the Royal Electric Company ;

5. To specify and determine the materials, dimensions and method of construction to be followed and adopted for buildings to be erected on either side of streets which may be widened or lengthened.

Id., sec. 108,
amended.

20. The word “also,” in the fourth line of section 108 of the English version of the said charter, is struck out.

54 V., c. 78,
s. 2, § 10,
replaced.

Widening of
St. Antoine
street from
Craig street,
and provi-
sions therefor.

21. Subsection 10 of section 2 of the act 54 Victoria, chapter 78, is repealed and replaced by the following :

“To widen St. Antoine street throughout its length, from Craig street to the western limits of the city, according to the homologated plan of the city for St. Antoine ward. Such street, in future, to be eighty feet wide between Craig and Mountain streets, and sixty feet from the latter street to the western limits of the city.

The cost of such widening shall be paid as follows: one half by the city and the other half by the proprietors (*riverains*) along the said St. Antoine street by means of an apportionment made according to the charter.

The proprietors, from Mountain street to the western limits of the city, shall not contribute to the cost of the widening from Craig street to the said Mountain street, and, in the same manner, those, from Craig street to Mountain street, shall not contribute to the cost of the widening from Mountain street to the limits of the city.

The proceedings in expropriation, however, shall be finished before the first of May, 1895, for the section from Craig to Mountain street, and shall be finished before the first of May, 1896, for the section from Mountain street to the western limits of the city.

22. The cost of the expropriation for the prolongation of St. Catherine street from Havre street to De Léry street, Hochelaga ward, shall be paid as follows: one half by the city, the balance by all the proprietors (*riverains*) along the street, to wit: one quarter by the proprietors (*riverains*) along that part of the said prolonged street in Hochelaga ward, and one quarter by the proprietors (*riverains*) along that part of the said street situated in the remaining part of Hochelaga ward, as well as in St. Mary's, St. James, St. Louis and St. Lawrence wards, by means of an assessment in accordance with the charter.

But such assessment shall be made on a depth of seventy-five feet on each immovable situated on each side of the street.

The commissioners, named for the said expropriation, are authorized to make special assessment rolls to put into force the provisions of the present section and to cancel any other roll made for that purpose.

The cost of the expropriation made for the widening of Notre-Dame street, between Lacroix street and Papineau avenue, shall be paid as follows: one half by the city and the other half by the proprietors (*riverains*) along said Notre-Dame street to a depth of fifty feet, from Dalhousie square to Frontenac street.

23. Section 43 of the said act is repealed and replaced by the following:

"43. The election of mayor and aldermen shall be held on the first day of February every second year.

The mayor and aldermen are elected by the general vote of the municipal electors.

On the first day of February, one thousand eight hundred and ninety-four, the city council of the city of Montreal shall be renewed *in toto*, each ward being called upon to elect three aldermen."

Id., sec. 19,
replaced.
Qualification
of mayor.

24. Section 19 is replaced by the following :

“**19.** No person is capable of being nominated and elected mayor unless he has been resident in the city for one year immediately preceding the election, and unless he, during the six months preceding the day of his nomination, has been seized and possessed of immoveable property in the city of the value of ten thousand dollars, after payment or deduction of all charges imposed thereon.”

Id., sec. 20,
replaced.

25. Section 20 of the said act is repealed and replaced by the following :

Qualification
of aldermen.

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

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.”

Id., sec. 25,
replaced.
Causes of dis-
qualification.

26. Section 25 of the said act is replaced by the following :

“**25.** If any person, holding the office of mayor or alderman, is declared bankrupt, or becomes insolvent, or applies to take the benefit of any act for the relief of insolvent debtors, or compounds with his creditors, or takes or enters into holy orders, or becomes a minister or teacher of any religious sect, a judge or clerk of any court, or a member of Her Majesty's privy council or of the executive council of the Province of Quebec, or becomes accountable in any way for the city revenue, or enters into the employ of the city, or is absent from the city more than two months continuously, or from the meetings of the council for more than two months consecutively (unless in case of illness, or with leave of the council), or, directly or indirectly, becomes a party to, or security for, any contract or agreement with the city for the performance of any work or duty, or derives any interest, profit or advantage from such contract or agreement, to the extent of one hundred dollars, or if he has been declared guilty of any fraudulent or corrupt practices in the municipal elections, as provided in the charter and its amendments, then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of mayor, or alderman, as the case may be.”

Id., sec. 27,
repealed.

27. Section 27 of the said act is repealed.

Id., sec. 29,
replaced.

28. Section 29 of the said act is replaced by the following :

"**29.** The council may appoint from among its members Committees. as many committees as it may deem necessary, for the transaction of business, and for the discharge of such duties as may be assigned to them by by-law."

29. Section 31 of the said act is replaced by the following : Id., sec. 31, replaced.

"**31.** Persons entitled to vote, as aforesaid, shall vote in and for the particular ward in which the property constituting their qualification to vote shall be situated ; but when any such person is qualified as owner in more than one ward, or as the tenant or occupant in one ward, and at the same time as owner or householder in any other ward, he may vote for the election of aldermen in any or all of the wards wherein he is qualified so to do, and he shall be inscribed in the voters' list for each of such wards ; provided that for the election of a mayor such person shall vote only in the ward, or one of the wards, wherein he is qualified to vote, either as owner or as tenant." Where electors may vote. Proviso.

30. Section 220 of the said act is replaced by the following : Id., sec. 220, replaced.

"**220.** The deposits mentioned in the preceding section shall be judicial deposits within the meaning of section nineteenth of chapter fifth of title fourth of the Revised Statutes." (Articles 1192 and following.) Deposits to be judicial deposits within meaning of R. S. Q., art. 1192 and following.

31. Section 221 of the said act and its amendments are repealed. Id., sec. 221, repealed.

32. The following section is added after section 227 of the said act : Sec. added after id., sec. 227.

"**227a.** All the provisions contained in title 18 of the said act, comprising the sections from section 213 to section 227, both inclusive, are amended in so far as may be necessary to give full and entire effect to the following provisions : Title 18 of act, amended.

1. The city shall not have recourse to forced expropriation for the opening of any new street, or for the prolongation of any street already in existence, unless the majority in number and in value of the proprietors interested in such improvement shall have first asked for the same ; and only the proprietors of real estate having frontage upon, or which will have frontage upon, such new streets or such prolongations of streets already in existence, shall be considered as parties interested in such improvements ; City not to have recourse to forced expropriation for opening, &c., new street, except on certain application. Who to be deemed as interested in such improvements.

2. Each time that forced expropriation shall have taken place, in virtue of the preceding paragraph, upon lands, more than one half in extent of which shall be vacant, the total cost of such expropriation shall be levied upon the Levying of costs in certain cases.

Id. in certain other cases. properties traversed by such new streets or by such prolongation of old streets. Whenever such forced expropriation shall have taken place upon lands, more than one half of the extent whereof shall be occupied by houses, stores or tenements, the total cost of the expropriation shall be paid, one half by the city and one half by the proprietors whose properties are touched by these improvements;

Expropriations to widen or straighten old streets not to be resorted to, except upon certain application. Payment of costs. 3. The city shall not have recourse to forced expropriation for the widening or straightening of any old street, except on the demand of the majority of the proprietors interested; and all the properties on the street for its whole length shall be considered as interested in such works. The total cost of such expropriation shall be paid, one half by the city and one half by the properties bordering on the entire street.

Federal and Provincial Government property not to be taken into account. 4. Neither properties belonging to the city, nor those belonging to the Federal Government, nor to the Provincial Government, shall be taken into account when the question arises whether the majority of the proprietors interested in number and in value, are favorable or unfavorable to any improvement; but these properties shall be considered as neutral.

If city desires to make improvements not asked for, proceedings to be had. 5. When the city council desires, in the public interest, to make an improvement, which shall not have been asked for by the majority of the proprietors interested, as provided in paragraphs 1, 3 and 4 of the present section, it shall always have power to make such improvement by buying and expropriating in their entirety such properties, a part whereof will be required for such improvement, or by paying the entire cost out of the general funds of the city; but this power cannot be exercised for the opening of new streets over properties, the greater part of which is vacant.

Proviso.

Art. 227a not to apply to certain expropriations. 33. Article 227a shall not apply to expropriations made under sections 222, 223 and 224 of the city charter.

Coming into force. 34. This act shall come into force on the day of its sanction.