

## C H A P. 64

## An Act to amend the Quebec Pharmacy Act

[Assented to, the 29th of December, 1922]

**HIS MAJESTY**, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

R. S., 4997, am. **1.** Article 4997 of the Revised Statutes, 1909, as replaced by the act 6 George V, chapter 29, section 3, is amended by adding thereto, after the second paragraph of paragraph 4 thereof, the following paragraph:

License in pharmacy to certain persons holding a diploma as pharmacist. “Notwithstanding any law to the contrary, the Pharmaceutical Association of the Province of Quebec, upon payment of the required fees and upon proof that they have done military duty before the 11th of November, 1918, shall grant a license in pharmacy to the persons holding a diploma as pharmacist, granted by the board of examiners following the examinations held in the month of May, 1918, and shall inscribe such persons in its registers as licentiates of pharmacy.”

Pending cases. **2.** This act shall not affect pending cases as to costs.

Coming into force. **3.** This act shall come into force on the day of its sanction.

## C H A P. 65

## An Act respecting Cities and Towns

[Assented to, the 29th of December, 1922]

**HIS MAJESTY**, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

## DIVISION I

## DECLARATORY AND INTERPRETATIVE PROVISIONS

Short title. **1.** This act may be cited as the “Cities and Towns’ Act, 1922”.

**2.** 1. This act shall apply:

Application of act. *a.* from and after the first day of July, 1923, to every city or town municipality, presently existing, incorporated.

by special act at any time before the coming into force of this act, and governed by the provisions of the act 40 Victoria, chapter 29 (Town Corporations General Clauses Act), or by the provisions of the Revised Statutes, 1888, (articles 4178 to 4615), respecting town corporations, or by a part of the said provisions ; provided that, if a special act incorporating such a municipality contains provisions derogating from such general acts or laws, such provisions shall remain in force and shall apply, notwithstanding this section;

b. to every city or town corporation, presently existing, incorporated by special act or by letters patent, at any time before the coming into force of this act, and governed by the provisions of the Cities and Towns' Act, 1903, 3 Edward VII, chapter 38, or by the Cities and Towns' Act contained in articles 5256 to 5884 of the Revised Statutes, 1909, or by a part of the said provisions; provided that, if a special act incorporating such a municipality contains provisions derogating from such general acts or laws, such provisions shall remain in force and shall apply, notwithstanding this section; and that, if a special act governing a municipality requires the application of provisions repealed by this act, all such provisions shall remain in force for such municipality, notwithstanding this act;

c. to every city or town municipality hereafter incorporated by charter from the Legislature, saving any special provisions of its charter which may be inconsistent with those of this act;

d. to every city or town municipality hereafter incorporated by letters patent under its authority;

2. If it be necessary, for the operation of a city or town municipality coming within the purview of paragraph a of subsection 1 of this section, that changes be made in its charter, the Lieutenant-Governor in Council, on petition of the council of the municipality, may issue letters patent amending the charter of such corporation, by replacing certain provisions thereof by the corresponding ones of this act. Modifications authorized in certain cases.

Such changes shall, in no case, have the effect of increasing the powers possessed by a municipality under the charter it seeks to amend. Effect.

The procedure to be followed to obtain such letters patent shall be the same as that prescribed in this act for the obtaining of a charter by letters patent, *mutatis mutandis*; but such letters patent must be published in the *Quebec Official Gazette* and in the Statutes of the Province. Such letters patent shall come into force on the date therein indicated. Procedure.

3. Every city or town municipality incorporated by a special act, no matter what its population may be, may Provisions applicable to

certain corporations. also, upon abandoning its charter, obtain letters patent from the Lieutenant-Governor in Council, which shall have the effect of repealing its special charter and of rendering the provisions of this act applicable to the said city or town.

Express mention of exceptions necessary. **3.** Every provision of this act shall form part of the charter, unless it be expressly declared that such provision, specifying it by its number, shall not form part thereof.

Interpretation. **4.** Unless the context indicates or declares otherwise, the following expressions, terms and words, whenever the same occur in this act and in the charter, have the following meaning:

Charter; 1. The word "charter" means any act of the Legislature or any letters patent, as the case may be, incorporating a city or town municipality;

District; 2. The word "district" means any judicial district established by law, and more particularly the district in which the city or town is situated;

Circuit Court of the county, or county Circuit Court; 3. The words "Circuit Court of the county" or "county Circuit Court," mean the Circuit Court in and for the county in which the city or town is situated; and if there be more than one Circuit Court in the county, they include all;

Magistrate's Court; 4. The words "Magistrate's Court" mean the Magistrate's Court for the district, county or place, having jurisdiction within the limits of the municipality, established by proclamation of the Lieutenant-Governor, and presided over by the district magistrate;

Member of the council; 5. The words "member of the council" mean and include the mayor or any of the aldermen of the city or town;

Municipal office; 6. The words "municipal office" mean all the offices and functions discharged by the members or officers of the council;

Sitting; 7. The word "sitting", used alone, means indifferently an ordinary or general sitting, or a special sitting of the council;

The day following; 8. The expression "the day following" does not mean or include holidays unless the act in question may be done upon a holiday;

Rate-payer; 9. The expression "ratepayer" means any person liable to pay to the municipality any assessment or tax, including water-rate;

Proprietor. 10. The word "proprietor" means any person who possesses immovable property in his own name as proprietor, as usufructuary, or as institute in cases of substitutions;

Occupant; 11. The word "occupant" means any person who occupies an immovable in his own name, otherwise than as

proprietor, usufructuary or institute, and who enjoys the revenues derived from such immoveable;

12. The word "tenant" means any person who is bound <sup>Tenant;</sup> to pay rent in money or to give part of the fruits or revenues of the immoveable which he occupies, and who is a resident householder, saving the case of the lessee of a store, shop, office or place of business;

13. The expression "election officer" means the returning- <sup>Election</sup> officer and election clerk and every deputy returning-offi- <sup>officer.</sup> cer and poll-clerk appointed for an election.

5. Whosoever is, by the provisions of this act or of <sup>Manner of</sup> any by-law of the council, bound to sign his name to any <sup>signing in</sup> document and cannot do so, shall affix his mark to such <sup>certain</sup> document, in the presence of a witness who signs it. <sup>cases.</sup>

This provision shall not apply to members of the council <sup>Restriction.</sup> nor to officers, who, according to the provisions of this act, must be able to read and write.

6. Unnecessary allegations or expressions, used in any <sup>Unnecessary</sup> provision respecting municipal matters, shall not affect <sup>allegations.</sup> the validity thereof, if the whole provision in its ordinary sense be sufficiently intelligible.

7. Error or insufficiency in the designation of any <sup>Error or in-</sup> municipality in any municipal document executed by a <sup>sufficiency.</sup> council, its officers or any other person, or in the declaration of the quality of such officer or person, provided no surprise or injustice result therefrom, shall not render such act null.

8. No suit, defence or exception, founded upon the <sup>Objection as</sup> omission of any formality, even imperative, in any act <sup>to form.</sup> of the council or of a municipal officer, shall prevail, unless the omission has caused actual prejudice or it be of a formality whose omission, according to the provisions of the law, would render null the proceeding from which it was omitted.

9. Any oath required by this act, or by the charter, <sup>Taking of</sup> may be taken before the mayor, the clerk, a justice of <sup>oath.</sup> the peace, a commissioner of the Superior Court, or a notary.

Any person before whom an oath may be taken may <sup>Duty to ad-</sup> and shall, whenever he is called upon to do so, administer <sup>minister</sup> the oath and deliver a certificate thereof without fee to the <sup>oath, etc.</sup> party taking the same.

10. Whenever any deposition or information is required <sup>Deposition</sup>

on behalf of municipality.

to be given under oath, on behalf of any municipality, such deposition or information may be given by any member or officer of the council.

Penalty for refusal or neglect to act in certain cases.

**11.** Whoever refuses or neglects, without reasonable cause, to do any act or duty imposed upon him by any provision of this act or of the charter, or required of him in virtue of such provisions, shall incur, over and above the damages caused, a penalty of not less than four dollars nor more than twenty dollars, except in cases otherwise provided for.

## DIVISION II

### INCORPORATION OF CITIES AND TOWNS BY LETTERS PATENT

Erection by letters patent of villages and towns of certain population into towns and cities.

**12.** 1. The Lieutenant-Governor in Council may, by letters patent and in accordance with the formalities hereinafter prescribed, erect the territory of a village municipality into a town municipality, if it contain at least two thousand souls, and the territory of a village or town municipality, if it contain at least six thousand souls, into a city municipality.

Determining number of population.

2. The population of the territory which it is desired to erect into a city or town shall be established by a census, made, upon the order of the council of the village or town municipality, by two or more persons appointed for that purpose by the council, who shall attest its exactness under oath.

Notice of application for letters patent.

**13.** 1. The council of the municipality, applying for the erection of its territory into a city or town municipality, must previously give notice of its intention to that effect.

Publication of notice.

2. Such notice shall be inserted, during four consecutive weeks, in the *Quebec Official Gazette*, and be published, during the same time, in the manner in which public notices are published in the municipality, and shall set forth:

Contents.

- a. the name of the proposed city or town, as the case may be;
- b. the boundaries of the municipality;
- c. the population as established by the census ordered by the council;
- d. the declaration that the municipality will be erected into a city or town under the Cities and Towns' Act, 1922.

Petition to be presented

**14.** 1. At any time not later than one month after the last publication of the notice in the *Quebec Official Gazette*,

the council of the municipality, applying for the erection to Lieuten- of its territory into a city or town municipality, may pre- ant-Govern- sent a petition to the Lieutenant-Governor in Council or in Coun- praying for the issue of letters patent. cil.

2. Such petition must state:

- a. the population of the territory, the erection whereof into a city or town is applied for;
- b. the name of the municipality;
- c. the boundaries of the municipality;
- d. the number of wards into which the municipality is to be divided;
- e. the place where the first general meeting of the council will be held;
- f. the total number of aldermen, and the number of aldermen for each ward.

Contents of petition.

**15.** 1. The petition shall be transmitted to the Mi- nister of Municipal Affairs, and it shall be accompanied by affidavit attesting the number of the population as established by the census. The Minister of Municipal Affairs may require, in addition, that the council of the municipality, applying for the erection of its territory into a city or town, shall establish that the notices have been given according to law, that the facts set forth in the petition are true, and that it is in the interest of the municipality and of the inhabitants thereof that the erection applied for should take place.

Proof to be adduced.

2. For such purpose, the Minister of Municipal Affairs or such person as he may order to report thereon may examine witnesses and take, under oath or affirmation which he may administer, their evidence in writing or by stenography, hear the representatives of the council and any person opposing the application of the council, or his representatives, and report on the whole to the Lieutenant-Governor in Council.

Powers of the Minister, etc.

3. If the Lieutenant-Governor in Council deem it to be in the interest of the municipality and of the inhabitants thereof that the erection applied for should take place, he shall order the issue of the letters patent, which shall recite, among other things, the established averments of the petition.

Issue of letters patent.

4. The Lieutenant-Governor in Council may, if he deem it expedient, give to the municipality a different name from that chosen by the council.

Name.

5. Notice of the issue of the letters patent shall be given by the Minister of Municipal Affairs by publishing the same in the *Quebec Official Gazette*; and, from and after the date of the letters patent, the municipality shall be erected into a city or town, as the case may be, under the authority of this act.

Notice of issue, etc.

Supplement-  
ary letters  
patent.

Proceedings  
to obtain  
issue.

Tariff of  
fees.

Fees may  
vary.

Payment of  
fees.

6. At any time after the issue of the letters patent, the Lieutenant-Governor in Council may, upon petition of the council of the municipality concerned, change the name of the municipality, the number of wards, the total number of aldermen, and the number of aldermen for each ward, and may, for such purpose, issue supplementary letters patent, which shall be published in the same manner. The proceedings and notices for such application shall, as nearly as possible, be the same as those required for the obtaining of the original letters patent.

**16.** 1. The Lieutenant-Governor in Council may make a tariff of fees to be paid on every application for letters patent and supplementary letters patent, and may change or amend it at his discretion; may designate the department through which the issue thereof shall take place, and may prescribe the form of proceedings and the records to be kept in respect thereof, and all other matters requisite to carry out the objects of this division.

2. Such fees may be made to vary in amount in proportion to the population of the municipality concerned or otherwise.

3. No steps shall be taken in any department towards the issue of any letters patent or supplementary letters patent under this division until the amount of all fees therefor shall have been paid.

### DIVISION III

#### PROVISIONS APPLICABLE TO NEW MUNICIPALITIES

First general  
election.

Continua-  
tion in office  
of mayor  
and coun-  
cillors.

Second and  
subsequent  
elections.

Returning-  
officer for  
first general  
election.

**17.** In a newly erected municipality, the nomination of candidates and the voting for the first general election shall be held on the days fixed by the Minister of Municipal Affairs.

Pending such election, unless some special provision be made by the charter, the mayor and officers of the municipal council then in office shall continue to hold their offices for current affairs until replaced according to law.

The second general election shall be held on the first juridical day of the second month of February after the coming into force of the charter; and the subsequent general elections shall be afterwards held every second year, on the first juridical day of February.

**18.** The returning-officer for the first general election shall be the person designated by the Minister of Municipal Affairs to fill such office.

**19.** The first general election shall be held on the electoral list, if there be one, or on the valuation roll of any municipality from which the new municipality is detached; but those persons alone shall vote whose names are entered on such lists or rolls and who are entitled to vote under this act or under the charter.

**20.** Every clerk or secretary-treasurer who is the custodian of the electoral lists or valuation rolls mentioned in section 19 shall, under penalty of a fine of not more than two hundred dollars, and, on failure to pay such fine, of imprisonment for not more than three months, allow the returning-officer of the new municipality to make or cause to be made, in the office of the council in which they are deposited, copies of or extracts from such lists and rolls required for the first general election.

**21.** The returning-officer for the first general election shall keep all the documents and things used at the election until the appointment of the clerk of the municipality, and shall hand them over to that officer as soon as the latter has entered upon the discharge of his duties.

**22.** In every newly organized municipality, the first general sitting of the council shall be held at the place indicated in the charter, and, if it be not indicated therein, at the place determined by the Minister of the Municipal Affairs, on the Wednesday next after the public notice of the result of the election has been given by the returning-officer.

If the mayor is to be elected by the council, such sitting until the mayor is elected and sworn, shall be presided over by an alderman chosen from among the aldermen present.

**23.** In a newly organized municipality, the valuation of the taxable property, in the territory which is constituted into such municipality, shall continue in force; and the valuation roll of such property, or an extract therefrom, shall be the valuation roll in force of the taxable property of the municipality, until one is drawn up according to law.

**24.** Every by-law, resolution, order, roll or *procès-verbal* which governed the territory before its erection as a city or town municipality, and every contract entered into by the former corporation, shall continue in force; and the council of the new municipality shall be vested, in respect thereof, with the same powers and subject to

the same obligations as the council of the former municipality, saving any provision to the contrary in any special act.

#### DIVISION IV

##### ORGANIZATION OF THE MUNICIPALITY

##### § 1.—*Constitution of the Corporation*

Corporation.

**25.** The inhabitants and ratepayers of a city or town municipality, and their successors, shall be a corporation known under the name mentioned in the charter.

General powers.

**26.** Such corporation, under its corporate name, shall have perpetual succession, and may :

1. have a common seal and change the same at will;
2. acquire for the objects within its authority moveable and immoveable property by purchase, donation, devise or otherwise, and dispose of the same by onerous title when no longer required;
3. enter into contracts, transact, bind and oblige itself and others to itself, within its powers;
4. subject to the provisions of this act, subscribe, draw, endorse, transfer, negotiate, give, accept or receive promissory notes, bills of exchange, cheques, bonds, debentures or other securities, whether negotiable or not, in the execution of any of the powers, rights and attributes conferred upon it by law and of any of the duties and obligations devolving upon it;
5. sue and be sued; and
6. generally exercise all the powers vested in it or which are necessary for the accomplishment of the duties imposed upon it.

##### § 2.—*Boundaries of the Municipality and Jurisdiction of the Corporation*

Territory of municipality.

**27.** The territory of the municipality shall be that specified by its charter.

Jurisdiction of corporation.

**28.** The corporation shall have jurisdiction for municipal and police purposes and for the exercise of all the powers conferred upon it, over the whole of its territory, and also beyond its territory in special cases where more ample authority is conferred upon it.

Jurisdiction if municipality bounded by waters.

**29.** Whenever a municipality is bounded on any side by navigable or other waters or by the bank or beaches of such waters, the jurisdiction of the corporation for police purposes shall extend in front of the municipality

to the middle of such waters and to the islands and shoals therein found, if such territory does not already form part of a city, town or village municipality.

If, however, the waters fronting the municipality be wider than two miles, such jurisdiction shall not be exercised on more than one mile from the bank or shore. Restriction.

### § 3.—*Division of the Municipality into Wards*

**30.** The municipality shall be divided into the number of wards prescribed by the charter. Division into wards.

**31.** The council may, by a by-law passed by a vote of two-thirds of its members, alter the boundaries of the wards and increase or reduce the number thereof, and fix, decrease or increase the number of aldermen to be elected for each ward, provided the total number be the same as that fixed by the charter, except in the case of section 32, and that an equal number of aldermen be allotted to each ward; but at least four years must elapse between each change unless the annexation of new territory renders the same sooner necessary. Power of council to alter number and boundaries of wards, etc. Proviso.

Every such change shall come into force at the next general election. Coming into force of changes.

**32.** When the number of wards in a municipality is increased by the creation of one or more wards out of an annexed territory, each new ward shall be represented by the same number of aldermen as the other wards of the municipality, and the aldermen for such wards may be in excess of the number of aldermen fixed by the charter. Representation of new wards.

### § 4.—*Annexation of Territory*

**33.** The council of the municipality, by the affirmative vote of the absolute majority of its members, may make by-laws to extend the limits of the municipality, by annexing thereto for municipal purposes any other contiguous municipality or part thereof. Annexation of territory.

Such by-law shall contain a complete description of the territory to be annexed, and shall set forth the terms and conditions upon which it shall be so annexed, and shall determine whether the territory so annexed shall form a single ward or more than one ward, or be wholly or in part annexed to any existing ward or wards of the municipality. Contents of by-law, etc.

**34.** Before the last reading and final passing thereof by the city or town council, such by-law must be approved Approval of by-law.

of by the council of the municipality to be annexed in whole or in part, and be sanctioned by the electors who are proprietors in the said municipality or part of a municipality, as the case may be, in the manner hereinafter set forth.

Publication  
of by-law,  
etc.

**35.** A copy of such by-law shall be published once a week for one month in a French newspaper, if any, and in an English newspaper, if any, published in the municipality or part of a municipality to be annexed, and if there be but one newspaper published therein or if all the newspapers therein be published in the same language, then in both languages in one of such newspapers, and whether the by-law be published or not in one or more newspapers, such copy shall be posted up at the door of the city hall or town-hall, at the door of the parish church of the municipality interested, at the door of the hall or building in which the council of such municipality usually holds its sittings, and in at least six other public places in the said municipality, or part of a municipality, as the case may be, with a notice signed by the clerk of the city or town, certifying that it is a true copy of the original by-law which will be taken into consideration by the council of the city or town, after the expiration of thirty days from the date of the posting thereof, as aforesaid, and stating that, on a day and hour and at a place in the said municipality or part of a municipality, as the case may be, fixed by the mayor of the municipality, and named and designated in the notice, such day not being less than fifteen nor more than twenty days after such posting, a general meeting of the electors, who are proprietors in the said municipality or part of a municipality, as the case may be, will be held for the purpose of considering such by-law, and approving or disapproving thereof.

Presiding  
officer at  
meeting.

**36.** At such meeting, the mayor of the municipality in which it is held shall preside, or, in his absence or refusal to act, some other person to be chosen by the meeting, who shall be a member of the council of such municipality, if any such be present at such meeting and willing to act.

Attendance  
of secreta-  
ry-treasurer.

The clerk or secretary-treasurer of such municipality shall attend such meeting and have with him the valuation rolls and list then in force of the electors who are proprietors in the said municipality, or a certified copy thereof, and shall act as secretary.

Question to  
be decided.

The only question to be determined at such meeting shall be whether the majority of the qualified electors being pro-

prietors in the said municipality, or part of a municipality, as the case may be, present at the said meeting, do or do not approve of the by-law.

**37.** When the question has been put, the chairman of the meeting shall declare whether, in his opinion, the majority of the said electors approve or disapprove of the by-law. Declaration by chairman.

His decision, if not appealed from within an hour, shall be final, and, within eight days thereafter, shall be communicated to the council of the city or town, desiring to effect the annexation, by a certificate signed by the secretary of the meeting. Decision final if not appealed from.

**38.** Any five of the electors present at any such meeting may appeal from the decision of the chairman, and may apply for a poll, and such poll shall be granted by the chairman of the meeting, and shall be immediately taken by him, the secretary-treasurer of the municipality acting as poll-clerk. Application for poll.

**39.** Each of the electors shall then present himself in turn to the chairman, and give his vote by "yea" or "nay", the word "yea" meaning that he approves of the proposed by-law, and the word "nay" that he disapproves of the same; but no person's vote shall be received unless he appear by the assessment rolls and electoral list to be an elector, duly qualified to vote as proprietor of immoveable property in the said municipality, or part of a municipality, as the case may be. Polling of votes.

**40.** If, at five o'clock in the afternoon of the day of the meeting, the votes of all the electors present have not been registered, the chairman shall adjourn the voting to the following day at ten o'clock in the forenoon, and the voting shall then continue as on the first day, and shall be closed at five o'clock in the afternoon of the second day. Continuation of polling in certain cases.

If at any time, on the first or second day, an hour elapse without a vote being offered, the poll shall be closed. Closing of poll in certain event.

**41.** At the close of the poll, the chairman shall count the "yeas", and the "nays" and ascertain whether the majority of the electors who have voted approve or disapprove of the by-law. Counting of votes.

He shall then make and sign a certificate stating the result of the voting, and such certificate shall be countersigned by the clerk or secretary-treasurer of the municipality acting as secretary of the meeting, and shall be kept by him, with the poll-book, among the records of his office. Certificate of result.

Copy of  
certificate.

The clerk or secretary-treasurer shall send to the clerk of the city or town, desiring to effect the annexation, within eight days from the close of the poll, a duly authenticated copy of the said certificate and poll-book.

Effect of  
result of  
voting.

**42.** If the by-law be not approved, the council of the city or town, desiring to effect the annexation, shall not pass the same; but if it be approved, it shall be submitted to the council, with a preamble stating that it has been approved by the electors of the said municipality or part of a municipality, as the case may be, at a meeting called and held in conformity with the requirements of this act.

Approval by  
Lieutenant-  
Governor.

If, afterwards, the by-law be passed by the vote of the majority of the aldermen, it shall come into force, after approval by the Lieutenant-Governor in Council.

Information  
for Lieuten-  
ant-Govern-  
or in Coun-  
cil.

**43.** The Lieutenant-Governor in Council may require, from the council of each of the municipalities, all such documents and information as he deems necessary for ascertaining the expediency of such by-law, or of certain provisions thereof; and the officers of the council of each of such municipalities shall furnish the same.

Decision.

The Lieutenant-Governor in Council may, in his discretion, approve or disapprove of such by-law.

Coming into  
force of by-  
law.

The by-law, approved by the Lieutenant-Governor in Council, shall have the force of law, and the validity thereof cannot be contested.

Effect of  
annexation.

**44.** So soon as any municipality or part of a municipality has been annexed to a city or town according to the provisions of this act, it shall remain subject to the provisions of the various acts, by-laws, rules and regulations, in force at the time of the annexation or thereafter in virtue of the powers conferred by law upon the corporation of the city or town, except in so far as such provisions shall be incompatible with the conditions of the by-law under the authority whereof the annexation was effected.

Electoral  
list.

Nevertheless, the electoral list of the municipality or part of a municipality annexed shall remain in force, in so far as it is concerned, until another list shall have been legally prepared and put into force in the city or town to which the municipality or part of a municipality has been annexed.

Penalty for  
officer refus-  
ing to act.

**45.** Any municipal officer, or member of a municipal council, who neglects or refuses to perform, or to join in performing, any official act or duty required of him for carrying out the provisions of this subdivision, shall be guilty of an offence and shall be liable to a penalty of fifty

dollars, which penalty may be sued for in the name of His Majesty, before any competent court, within six months after the offence was committed.

§ 5.—*Council, Mayor, Aldermen and Committees of the Council*

**46.** The corporation shall be represented and its Functions  
affairs administered by its council. of council.

**47.** The municipal council shall be composed of a Composition  
mayor and of the number of aldermen fixed by the charter, of council.  
elected in the manner hereinafter prescribed.

**48.** The mayor shall be elected for two years by the Term of  
majority of the municipal electors who have voted. office of  
Nevertheless, if the municipal council adopts, by a major- mayor.  
ity of two-thirds of its members, a by-law to that effect, Election by  
the mayor may be elected by the municipal council for two council in  
years, and in such case the election shall be governed by the in certain  
provisions of sections 331, 332 and 333. case.

**49.** The aldermen, in such numbers for each ward as Term of  
may be fixed by the charter, shall be elected, for the same office of  
period, by the majority of the municipal electors of the aldermen.  
ward who have voted.

**50.** The mayor's term of office shall expire when the Expiration  
new mayor is sworn in, and that of alderman shall expire of term  
at the opening of the first general or special sitting of the of office of  
council held after the general election. mayor and  
alderman.

**51.** The mayor shall exercise the right of superintend- Mayor's  
ence, investigation and control over all the departments powers, etc.  
and officers of the municipality, and especially shall see  
that the revenue of the municipality is collected and exp-  
ended according to law, and that the provisions of the law  
and all by-laws, rules and regulations of the council are  
faithfully and impartially enforced. He shall lay before  
the council such proposals as he may deem necessary or  
advisable, and shall communicate to the council all inform-  
ation and suggestions relating to the improvement of the  
finances, police, health, security, cleanliness, comfort and  
progress of the municipality.

In the exercise of his functions as the executive head of  
the municipal administration, the mayor shall have the Power to  
right, at any time, to suspend any officer or employee in suspend  
the service of the municipality, but he shall at the earliest officers and  
employees.

opportunity report the matter to the council or to the committee having immediate supervision over the officer or employee suspended, and state in writing the reasons for such suspension.

Approval and signing of by-laws, etc.

**52.** Every by-law, resolution, obligation or contract approved by the council shall, within forty-eight hours after such approval, be presented by the clerk to the mayor for his approval and signature.

Reconsideration if not approved.

If he refuse to sign them he shall return the same, with his objections in writing, to the clerk, who shall submit them for reconsideration at the next sitting of the council, as a matter of urgency and privilege.

Signature by mayor, in case by-law reaffirmed.

If the absolute majority of the aldermen reaffirm such by-law, resolution, obligation or contract, the mayor shall sign and approve the same, and if he refuse, such by-law, resolution, obligation or contract shall be legal and valid, as if signed and approved by him, subject, nevertheless, to any special provision of law by which a specified majority of the council is required for the approval of a by-law, resolution, obligation or contract, or where the approval of the mayor is specially required.

Proviso.

Reading of communication from Minister of Municipal Affairs.

**53.** The mayor shall read to the council, in session, all circulars or communications addressed to himself or to the council by the Minister of Municipal Affairs, and, if it be required by the council or by the Minister of Municipal Affairs, shall publish them in the municipality, in the manner required for public notices.

Giving of information.

**54.** He shall furnish to the Lieutenant-Governor or to the Minister of Municipal Affairs, on demand, all information concerning the execution of the municipal law, and all other information which he may be able to give with the concurrence of the council.

Resignation of mayor.

**55.** The mayor may resign his office by sending in his resignation, signed by himself, to the clerk of the municipality, but such resignation shall have no effect until accepted by a resolution of the council.

Vacancy in office of mayor; how filled.

**56.** If the office of mayor become vacant, the clerk of the municipality, within eight days after such vacancy, shall call a meeting of the council for the purpose of electing one of the aldermen to discharge the functions of mayor during the remainder of the term of office, and the council, at such meeting, shall make such election. The acceptance of the office of mayor shall have the effect of rendering

the seat of the alderman, who accepts the office, vacant, and, in such case, a new election to fill such vacancy shall be held.

**57.** The council shall, every three months, elect one of its members as acting-mayor, to have and exercise all the powers of the mayor, whenever the mayor may be absent from the municipality, or unable to discharge the duties of his office. Appointment of acting mayor, and his powers.

**58.** Upon the office of mayor becoming vacant, the acting-mayor shall exercise all the powers of mayor, until a new mayor is appointed. Vacancy in office of mayor.

**59.** Any alderman may resign his seat in the council by transmitting his resignation in writing, signed by himself, to the clerk of the municipality, but such resignation shall have no effect until accepted by a resolution of the council. Resignation of aldermen.

**60.** The office of mayor or alderman also becomes vacant,— Other causes of vacancy.

1. in case of refusal to accept such office, or of refusal to continue to perform the duties thereof;
2. in case of absence from the municipality, for three consecutive months, without the permission of the council;
3. in case of inability of such mayor or alderman to perform his duties, whether on account of sickness, infirmity or other reason, during three consecutive months;
4. in case of non-attendance of such mayor or alderman at council meetings during three consecutive months;
5. in case of such mayor or alderman making a judicial abandonment of his property, or becoming insolvent.

**61.** If any vacancy occur in the office of alderman, the mayor, within eight days after such vacancy, shall fix a day for the nomination of candidates, and also for the election in case of opposition. Such election shall be held within thirty days after such vacancy. Vacancy in office of alderman.

If the majority of the members of the council tender their resignation at the same time, so that the council can no longer sit and accept the resignations for want of a quorum, the offices of those resigning shall become vacant and it shall be the duty of the clerk to inform the Lieutenant-Governor in Council of the fact. The latter may then order that an election be held for the appointment of Id., in certain event

a mayor, if the mayor be among those who have tendered their resignation, and of the number of aldermen required to fill the vacancies. The Lieutenant-Governor in Council shall fix a day for the nomination of candidates as well as for the election in the event of opposition.

Appoint-  
ment of  
election  
clerk.

Ten days at least before the day fixed for the nomination of candidates, the clerk of the municipality, by a commission under his hand and according to form E, shall appoint an election clerk, and give the public notice prescribed in section 179 and drawn up according to form G.

Procedure.

In other respects, such nomination and election shall be held as in the case of general elections, and the person elected shall hold office until the expiration of the term of office of the alderman whom he has replaced.

Oath of  
mayor and  
alderman.

**62.** No person may act as mayor or alderman until he has taken, before the clerk of the municipality, the oath of office, in the form A.

Entry in  
minute  
book.

An entry of the taking of such oath shall be made in the minute-book of the council.

Omission to  
take oath.

**63.** The omission, for fifteen days, on the part of the mayor or of an alderman, to take the oath of office, shall *ipso facto* deprive him of his office of mayor or alderman.

Power to  
resume  
functions  
if vacancy  
not filled,  
etc.

Nevertheless, without prejudice to the costs of any judicial proceedings taken against him, the mayor or alderman who has so neglected to take the oath within the prescribed delay, may, so long as the vacancy that has arisen through his negligence is not filled, and upon taking the required oath, resume and exercise his functions.

Services to  
be gratuit-  
ous.

**64.** The mayor and aldermen shall not receive any salary, profit or indemnity, in any form whatsoever, for their services.

Payment in  
certain case.

Nevertheless the council may, by a two-thirds vote of the aldermen, enact a by-law to provide remuneration; but such by-law shall only have force and effect after the same is approved by the majority of proprietors, who are entitled to vote at municipal elections, and such vote shall be taken in the manner provided for the approval of by-laws by the electors.

Validity of  
certain votes  
and acts.

**65.** No vote given by a person unlawfully filling the office of mayor or alderman, and no act in which he participates in such quality, may be set aside solely by reason of the illegal exercise of such office.

Mayor and  
aldermen.

**66.** The mayor and aldermen, without being bound to take the oaths prescribed for justices of the peace, shall

be *ex officio* justices of the peace, within the municipality, justices of the peace.  
so long as they continue in office.

They may hear and decide any cases in which the municipality or its officers are interested parties. Jurisdiction.

**67.** If questions of fact arise in matters before the council, or any of its committees, which the interests of the municipality require to be investigated by the examination of witnesses on oath, or otherwise,—or if it also becomes necessary, in the like interest, to institute inquiries into the truth of representations which may be made to the council respecting matters within its jurisdiction,—any committee appointed by the council to investigate the same, or to make such inquiry, or the committee before which any such question arises, may issue a summons signed by its chairman requiring any person to appear before such committee, for the purpose of giving evidence touching such question or inquiry, and also, if deemed expedient, to produce any papers or documents in his possession or under his control, bearing upon such question or inquiry, and described in such summons. Power of council to appoint committee to hold enquiries.

If any person so summoned neglect or refuse to appear at the time and place appointed by such summons, or if, appearing, he refuse to be examined on oath touching the said inquiry, or to obey any order to produce papers or documents mentioned in such summons, in so far as he is able so to do, a return of the issue and service of the summons and of such default or refusal may be made to the mayor, who may thereupon compel the attendance of such person, and compel him to answer all lawful questions by such means as are used for such purposes in the ordinary courts of civil jurisdiction in the Province. Persons summoned must appear.

Every person so neglecting or refusing to appear, or refusing to produce papers or to be examined as aforesaid, shall, on conviction thereof, be subject to a fine of not more than forty dollars. Penalty.

The chairman of any committee of the council may administer the oath to the witnesses. Administration of oath.

**68.** The council may appoint permanent or special committees, composed of as many of its members as it may deem necessary, to supervise the administration of the several civic departments for which they are respectively appointed, and to manage such business as it may, by by-law or resolution, assign to them. Appointment of committees.

The permanent committees shall be formed for two years at the first sitting after the general election, and special committees at any time whenever necessary or expedient. When committees are formed.

- Replacing of members. The council may replace any member of the said committees whenever it thinks proper.
- Mayor member *ex officio*, etc. The mayor shall be a member *ex officio* of all committees, and shall have a right to vote therein.
- Reports by committees. Every committee shall render account of its labors and decisions by reports signed by its chairman or by a majority of the members who compose it.
- Adoption of reports. No report of a committee shall have any effect until it has been ratified or adopted by the council.

## § 6.—Officers of the Council

### 1.—General Provisions

- Appointment of officers, etc. **69.** The council may appoint such officers as it may deem necessary to carry out the powers vested in it, and grant them such salary or compensation as it may think fit, and may, upon a vote of the absolute majority of the aldermen, remove any officer and appoint another in his place.
- Oath of office. **70.** Before entering into office, every municipal officer shall take oath, according to form A, to well and faithfully perform the duties of his office.
- Deposit of certificate of taking oath. **71.** The certificate attesting that an oath of office has been taken by any municipal officer, shall be filed, without delay, in the office of the council, by the person who has taken such oath.
- Security from employees. **72.** The council may require of every person, employed by it, such security as it may deem necessary to secure the complete and faithful execution of his duties.
- Duties of officers may be defined by by-law, etc. **73.** The council may, by by-law, define the duties of its officers, not defined by this act or the charter, and impose penalties or fines upon them for neglect in the performance of their duties.
- Majority may act. **74.** Whenever an act or proceeding must be executed by more than two municipal officers, it may be validly executed by the majority of such officers, save in cases otherwise provided for.
- Delivery of moneys, keys, etc. **75.** Every municipal officer, who has ceased to discharge the duties of his office, shall deliver, within the eight days next following, to the mayor, or at the office of the council, all the moneys, keys, books, papers, insignia, documents, records and other things belonging to the council.

**76.** If any municipal officer absent himself from the municipality or die, his representatives or heirs shall, within one month from his death or absence, deliver to the mayor, or at the office of the council, the moneys, keys, books, papers, objects, documents, records and other things belonging to the council, and which he had in charge or in use in the execution of the office so held by him.

Representatives or heirs of officers bound to deliver moneys, keys, etc.

**77.** In the case of section 75 or 76, the council may, in addition to any other legal recourse, recover, from such officer or his representatives, all such moneys, keys, books, papers, insignia, documents, records and other things, without prejudice to damages, with costs.

Council may seize such articles in re- vendication.

The council may exercise the same rights and obtain the same remedy against all other persons having in their possession and refusing to deliver up any such things.

Similar re- course against others.

**78.** In the exercise of the rights and judicial remedies mentioned in section 77, the council may pray for coercive imprisonment, which may be ordered against the defendant who has been condemned.

Coercive im- prisonment.

**79.** Every municipal officer shall give an accurate report in writing, and in the manner determined by the council, to the council or to any authorized person, upon all matters connected with his duties, and render an account of the moneys collected by him and of those which he has paid or disbursed for the council and under its control, specifying the objects for which such moneys were so paid or disbursed.

Officers to report to council, etc.

**80.** The council may bring an action to account against any employee responsible for moneys belonging to the municipality, and he shall, if necessary, be condemned to render account, and to pay the sum which he is declared to owe, with interest and costs of suit.

Action to ac- count.

Every such judgment shall carry with it coercive im- prisonment.

Coercive im- prisonment.

**81.** The council may establish a tariff of fees payable to municipal officers for their services, whether by persons who have required such services, or by those on whose account they are rendered, or by the municipality, in cases in which such fees have not been fixed by law.

Tariff of fees.

Such tariff shall be posted up in a conspicuous place in the office of the council.

Tariff to be posted up.

#### II.—Clerk

**82.** The council shall always have an officer as keeper of its office and archives.

Clerk.

Name. Such officer shall be styled the city clerk or town clerk, as the case may be.

Office of clerk. **83.** The office of the clerk shall be established in the place where the sittings of the council are held, or in any other place fixed by resolution of the council.

Archives, etc., of which he has the custody. **84.** The clerk shall be the custodian of the books, registers, plans, maps, archives and other documents and papers, which are either the property of the corporation, or are produced, filed or preserved in its office.

Idem. He cannot divest himself of the custody of any of such things, except with the permission of the council or upon an order of a court.

Attendance at sittings, etc. **85.** He shall attend at all sittings of the council, and draw up minutes of all the acts and proceedings thereof.

Signature to minutes. **86.** All minutes of the sittings of the council shall be signed by the presiding officer, and countersigned by the clerk.

Copies of books, etc. **87.** The clerk shall deliver, upon payment of the fees fixed by the council and payable to the municipal treasury, to any person applying for the same, copies of or extracts from any book, roll, register, document or other paper which forms part of the archives.

Certified copies and extracts. **88.** Copies and extracts, certified by the clerk, of and from any books, registers, archives, documents or papers preserved in the office of the municipality, shall be evidence of their contents.

Registers, etc., open to inspection during office hours. **89.** The registers and documents in the possession of the clerk and forming part of the archives of the council, shall be open, during office hours, to the inspection and examination of the ratepayers of the municipality and their attorneys.

Return to Minister of Municipal Affairs. **90.** The clerk, in the course of the month of January, in each year, shall transmit to the Minister of Municipal Affairs, in duplicate, a return showing:

1. The name of the municipality;
2. The estimated value of the taxable immoveable property;
3. The estimated value of the immoveable property not subject to taxation;
4. The number of persons paying taxes;

5. The rate of assessment in the dollar imposed for all purposes;
6. The value of the property belonging to the municipality;
7. The amount of taxes collected within the year;
8. The amounts collected which are to be applied to sinking funds;
9. All other sums collected;
10. The amount of arrears of taxes;
11. The capital sum due to the consolidated municipal loan fund;
12. The amount of loans raised by the municipality by means of debentures or otherwise;
13. The rate and the amount of interest due upon such loans;
14. All other debts;
15. The amount raised by loan within the year;
16. The expenditure for salaries and other expenditure for municipal administration;
17. All other expenditure;
18. The number of persons residing in the municipality.

**91.** The clerk of the council, who neglects or refuses to comply with the provisions of section 90 and to furnish all the information set forth in the forms prescribed by the Lieutenant-Governor in Council or by the Minister of Municipal Affairs, if such forms have been addressed to him by the Minister of Municipal Affairs in the month of December preceding, shall be liable to a fine of not less than fifty nor more than two hundred dollars, in addition to costs.

Penalty on clerk neglecting, etc., to furnish certain returns.

**92.** The assistant clerk, if appointed by the council, may perform all the duties of the office of clerk, with the same rights, powers and privileges, and under the same obligations and penalties.

Assistant clerk. Powers and duties.

In the case of a vacancy in the office of the clerk, the assistant clerk shall perform the duties of the office, until the vacancy is filled.

Duties in certain event.

### III.—*Treasurer*

**93.** The council shall have an officer, called the treasurer, who shall be the collector and depositary of all the moneys of the municipality.

Treasurer.

**94.** The treasurer's office shall be in the place where the sittings of the council are held, or in any other place fixed by resolution of the council.

Where office to be held.

Deposit of moneys.

**95.** Saving all other legal provisions, the treasurer may deposit in any chartered bank the moneys arising from municipal taxes or dues and all other moneys belonging to the municipality, and may allow them to remain there, until they are employed for the purposes for which they were levied, or until disposed of by the council.

Idem.

He shall be bound so to do, if required by the council or by the mayor.

Books of account.

**96. 1.** The treasurer is bound to keep books of account in which he enters, by order of date, the receipts and expenditures, mentioning the persons who have paid moneys into his hands or to whom he has made a payment.

Vouchers.

**2.** He must obtain and keep vouchers for all payments he has made for the municipality, produce them for audit and inspection, and file them amongst the archives of the municipality.

Keeping of books.

**3.** Such books shall be kept in the form prescribed or approved of by the Minister of Municipal Affairs, or in accordance with the system established by the Lieutenant-Governor in Council.

Treasurer forbidden to:

**97.** The treasurer shall not, nor shall any other officer of the council, under a penalty of twenty dollars for each offence,—

Grant discharges without payment;

**1.** grant a discharge to any person indebted to the municipality, without having received payment for such debt, either in cash or in an accepted bank cheque;

Lend moneys of municipality.

**2.** lend, directly or indirectly, by himself or by others, to any person, moneys belonging to the municipality.

Treasurer's books open to inspection.

**98.** The treasurer's books of account and vouchers for his expenditures shall be open for inspection and examination, during office hours, to all ratepayers of the municipality or their attorneys.

Copies, etc., of books, etc.

**99.** The treasurer shall deliver to any person applying for the same, on payment of the fee fixed by the council, and which shall belong to the municipal treasury, copies of or extracts from any book, roll, register, document or other paper in his custody.

Copies, etc., to be proof.

**100.** Copies and extracts, certified by the treasurer, of and from the books, archives, documents and papers in his custody, shall be evidence of their contents.

Rendering of accounts.

**101.** Once a year, at the time fixed by the council, and oftener if required, the treasurer shall render a detailed account of the receipts and expenditures of the municipality.

**102.** All actions, claims or demands against the treasurer, resulting from his administration, shall be prescribed by five years from the date of the last account rendered by him. Prescription of claims against treasurer.

iv.—*Secretary-Treasurer*

**103.** The council, if it deem it expedient, may appoint a single person to fill the offices of clerk and treasurer. In such case the officer filling such offices shall be known as the secretary-treasurer, and he shall have the same rights, powers and privileges, and shall be liable to the same obligations and penalties, as those determined and prescribed for such offices. Appointment of secretary-treasurer and his duties.

v.—*Auditors*

**104.** The council shall, at its first sitting after the general elections, appoint one or two auditors, who shall remain in office until the entry into office of their successors. Appointment of auditors and term of office.

**105.** The auditors shall, make an examination of the accounts of the municipality for the current fiscal year. They shall make a report of their examination to the council within thirty days after the expiration of the fiscal year. Duties. Report.

A copy of such report, certified by the treasurer, must be sent by the latter, without delay, to the Minister of Municipal Affairs. Transmission of same.

The council may order any other examination it may deem necessary and exact a report. Further examination, etc.

vi.—*Assessors*

**106.** The council shall appoint every year at least three assessors. Appointment of assessors.

Such assessors shall hold office until their successors are appointed. Term of office.

The remuneration of such assessors shall be fixed by the council, which shall appoint one of the assessors chairman of the board. Remuneration.

The council shall determine the manner in which the assessors shall divide their labors. Division of labors.

If at the time for completing the valuation roll, the three assessors or one or more of them are incapable of acting by reason of illness, absence or any other cause considered sufficient by the council, it shall appoint others to take their place in completing this valuation roll who shall have all the powers and obligations of the assessors in office. Replacing of assessors. Powers.

**107.** The assessors may, in the performance of their duties, demand the services either of the clerk or of any other writer. May employ clerk, etc.

His fees. The clerk or writer, whose services are required, shall be entitled, for every day during which he is employed, to a sum fixed by the council for such services, payable by the municipality on the certificate of the assessors who employed him.

VII.—*Manager*

Manager. **108.** The council may by by-law, approved by the municipal electors and by the Lieutenant-Governor in Council, order the creation of a municipal office, the holder whereof, called "manager", shall be the executive officer of the municipality, whose duties shall be to supervise and direct under the control of the mayor and council, the affairs of the municipality and the work it causes to be carried out.

His duties.

Powers, etc,  
of manager. **109.** The duties and powers of the manager shall be the following:

1. to take cognizance of the correspondence and communications sent to the municipality and see that they be promptly dealt with by its officers;

2. to examine and sign, if they are correct, the weekly or monthly pay sheets, and report thereon, respectively, to the committees in charge of the various departments and to the council;

3. to examine the accounts, payment whereof is claimed from the municipality and, if they are correct, initial them after they have been verified by the treasurer, and report them to the council for payment;

4. to prepare, with the chief officers of the departments, for each monthly meeting of the council, a complete report of the work done during the previous month, with the suggestions he may deem useful to suggest for the work to be done in the ensuing month,

5. to examine the orders or registrations for the purchase of supplies, certify them if they are correct and in accordance with the decisions or orders of the council, and report thereon to the council and to the committee having control thereof;

6. to prepare, with the chief officers of the departments, the annual estimates and report thereon to the council and to each of the committees;

7. to prepare, with the chief officer of each department or the officer in charge of any service in the administration, the plans and specifications for the work to be given by contract, submit them to the council for approval, draw up the notices calling for tenders and have them published by the clerk;

8. to open, in the presence of the members of the council, in meeting assembled, the tenders received for work to be done by contract, and recommend which of the tenders he thinks should be accepted by the council.

9. to study the drafts of by-laws, including loan by-laws, and communicate to the council, his views and suggestions on the provisions such draft by-laws are intended to enact;

10. to advise the council on the steps to be taken to carry out the by-laws and enforce their observance;

11. to see that the monies voted by the council are used for the purposes for which they were voted;

12. to investigate the complaints and claims made against the municipality and report his opinion thereon to the council as well as to the committee charged with their examination;

13. to study the needs and everything that might be of interest to the municipality; suggest whatever steps may be expedient to take for an efficacious and economical administration and to promote the progress of the municipality and the welfare of the citizens;

14. to call a special meeting of a committee whenever he thinks it necessary, after consulting the chairman;

15. to attend the sittings of the council and of the committees and, with the permission of the chairman, give his opinion and make the observations and suggestions he may deem expedient on the subjects under discussion, but without the right to vote.

**110.** Such by-law shall be submitted to the municipal electors in accordance with the formalities prescribed by sections 388 to 399, save that all municipal electors, entitled to vote at the election of members of the council, are entitled to vote on the by-law. Submission to electors. Formalities.

**111.** The by-law is deemed to be approved by the electors of the municipality, if it has received the affirmative vote of the majority of the electors who have voted. When deemed approved.

**112.** After the coming into force of the by-law, the council by resolution shall appoint a manager for a period of four years. Appointment of manager.

At the expiration of his term of office, the manager may be appointed to the same position for a further term. Further term.

**113.** Before entering upon his duties the manager shall take oath, in the form A, to well and faithfully perform the duties of his office. Oath of office.

He shall also furnish security the amount whereof has been fixed by the resolution of the council appointing him. Security.

Salary. **114.** The salary of the manager shall be fixed by resolution of the council.

Suspension, etc., of employees. **115.** All officers and employees of the municipality, except the clerk and treasurer, shall be under the control and direction of the manager, who has power to suspend them from their duties. But the manager shall immediately report such suspension to the council, and the council, after inquiry, renders the final decision.

Resignation by manager. **116.** The manager may resign before the expiration of his term of office, by giving a notice of three months to the council.

Dismissal of manager by resolution. **117.** The council may dismiss its manager by resolution adopted by the absolute majority of its members. Such resolution must be published in the same manner as are public notices in the municipality.

Approval of electors on demand therefor. How demand made. **118.** If demanded by the manager, an alderman or by ten electors, the resolution of the council dismissing the manager must be submitted for the approval of the municipal electors. Such demand must be in writing, addressed to the clerk of the municipality and be made within eight days after the publication of the resolution.

Voting. **119.** The question shall be submitted to the electors and the vote taken in accordance with sections 388 to 399 except that all municipal electors, whether proprietors or not, shall be entitled to vote.

Temporary administration by council. **120.** From the publication of the resolution and until the result of the vote has been submitted to it, the council may take over the administration of the affairs of the town and exercise all the powers attributed to the manager by the foregoing sections.

Effect of voting. **121.** If the resolution is confirmed by the electors, the council shall proceed to the appointment of another manager; if the majority of the voters voted against the dismissal of the manager, the latter shall resume his duties.

#### DIVISION V

##### PERSONS QUALIFIED AND DISQUALIFIED FOR MUNICIPAL OFFICE

General qualification. **122.** Every male resident in a municipality, not declared disqualified by law, may hold any municipal office.

Disqualifications. **123.** The following persons cannot be nominated or elected mayor or alderman, nor be appointed to nor hold any other municipal office:

1. Aliens;
2. Minors;
3. Persons in holy orders, and the ministers of any religious denomination;
4. Members of the Privy Council;
5. The judges or magistrates receiving emoluments from the federal or provincial government or from the municipality;
6. Officers on full pay of His Majesty's army or navy;
7. Keepers of taverns, restaurants, or hotels, and persons who have acted as such within the preceding twelve months;
8. Whosoever has had no residence or principal place of business in the municipality for at least twelve months previous to the election or nomination; such person, however, may be appointed secretary-treasurer, municipal inspector, auditor, assessor or special superintendent;
9. Whosoever has, directly or indirectly, by himself or his partner, any contract with the municipality.

Nevertheless, a shareholder in an incorporated company which has any contract or agreement with the municipality or which receives a bonus therefrom, shall not be disqualified from acting as a member of the council; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to such company;

10. Whosoever has not paid all his municipal dues, with the exception of such amounts as remain to be paid owing to involuntary error or omission;

11. Whosoever cannot read or write fluently, even though he can read print and write his name;

12. Any person convicted of treason or of any criminal offence punishable by imprisonment for at least two years;

13. Whenever the office of mayor or alderman is in question,—any persons who are responsible for moneys belonging to the municipality, or who are sureties for any employee of the council, or who receive any pecuniary allowance or other consideration from the municipality for their services.

**124.** No person shall be either nominated or elected <sup>Property</sup> mayor or alderman nor hold such office unless he, during <sup>qualification</sup> the twelve months immediately preceding the day of his <sup>of mayor</sup> nomination, has been seized of and has possessed as <sup>and alder-</sup> proprietor in his own name or in that of his wife, immoveable property in the municipality of the value of six hundred dollars, after payment or deduction of every hypothec and privilege registered thereon; such qualification to be established by the valuation roll in force at the date of the nomination.

**125.** No person may act as mayor or alderman or hold any other municipal office, unless he is eligible and possesses at all times the qualification required by law.

Qualification required during term of office. Effect of disqualification during tenure of office. Any person who, while acting as mayor or alderman or holding other municipal office, becomes incapacitated while in office, shall *ipso facto* lose his office, and his seat shall become vacant.

**126.** If the mayor or any alderman votes at any sitting of the council or of any committee, without being at the time duly qualified, he shall be liable to a penalty of one hundred dollars for each such vote.

Penalty on mayor or alderman, voting when not qualified. If property on which mayor or alderman qualifies has changed hands. **127.** In case the mayor or any alderman has alienated the immoveable property on which he qualified himself, or has mortgaged or encumbered the same so as to affect the amount required for his qualification, any two duly qualified electors may present a petition to the council, requiring the said mayor or alderman to produce his title as proprietor of such other immoveable property as he may qualify upon, together with the sworn declaration and certificate provided for by section 186, establishing the value of such property; and, in default of his so doing within thirty days, his seat shall become vacant.

#### DIVISION VI

#### ELECTORAL LISTS

#### § 1.—Persons entered on the Lists and the Places where they Vote

**128.** 1. The following persons, if of the full age of twenty-one years, British subjects and not legally disqualified nor otherwise deprived of the right to vote in virtue of this act or of the charter, shall be electors, and shall be entered on the electoral lists, to wit:

Proprietors; *a.* Male persons and widows or spinsters whose names are entered on the valuation roll in force as *bonâ fide* owners or occupants of immoveable property in the municipality, of the assessed value of two hundred dollars or upwards, or of the annual value of twenty dollars or upwards, according to said roll. In cases where such property is held in usufruct, the name of the usufructuary shall alone be entered on the electoral list;

Husband whose wife possesses certain property; *b.* The husband whose wife is seized, as owner, usufructuary, or as institute, of immoveable property in the municipality, of the assessed value of two hundred dollars or upwards, according to the valuation roll in force, or carries on trade or keeps a place of business which renders her

subject to the payment of a tax, and when such place of business is entered on the collection roll as being of the annual value of not less than twenty dollars;

c. Every male person, and every widow or spinster, being a resident householder in the municipality under a lease, whose name is entered on the collection roll in force, as tenant of a dwelling house or part of a dwelling house in the ward for which the list is made, of the value of two hundred dollars or upwards or of the annual value of twenty dollars or upwards, according to such roll; Tenants of dwelling house, etc.;

d. Every male person, though neither owner nor householder, who is entered on the valuation roll or collection roll in force, as the tenant of any store, counting-house, shop, office, or place of business in the municipality; provided that such store, counting-house, shop, office or place of business, if occupied by the said person alone, or the share which such person owns therein as partner, be assessed at an actual value of at least two hundred dollars, or at a yearly assessed value of at least twenty dollars, according to the valuation or collection roll. Tenants of stores, etc.;

2. Nevertheless the qualification granted by the foregoing provision to co-partners or tenants does not extend to members of associations of persons using or holding the premises for social, educational, philanthropic, and other similar objects. Exception.

**129.** When two or more persons are joint proprietors, joint tenants or joint occupants of land or buildings estimated on the valuation or collection roll in force at a real or annual value sufficient to qualify each for electoral purposes, each of such joint proprietors, joint tenants and joint occupants shall be qualified as an elector, and shall be entered on the electoral list. Joint proprietors, etc.

**130.** Every elector shall vote in and for the ward in which the property qualifying him is situated. Where electors are to vote.

When any such person is qualified as owner or occupant in more than one ward, or tenant in one ward, and owner or householder in any other ward, he may vote for the election of aldermen in each of the wards wherein he is qualified so to do, and he shall be entered in the electoral list for each of such wards; provided that, for the election of mayor, such person shall vote once only; and such vote shall be cast, if the elector be qualified in respect of residence, only at the polling station nearest his domicile. More than one vote in certain cases. Proviso.

**131.** Any person, whose name has been omitted in the list of electors but is inscribed on the valuation roll and who possesses at the time of the preparation of the list the right of vote, has a right to vote at the munic- Whose elector's name omitted.

ipal elections and upon a loan by-law by producing a certificate from the clerk or secretary-treasurer of the municipality, as the case may be, which the latter is obliged to give on demand, to the effect that the name of such person has been omitted by inadvertance or error, and by taking the oath before the deputy returning-officer at a polling station that he has the right to vote according to law and that he has not already voted under the authority of the said certificate. The certificate produced shall be left in the hands of the said officer who returns it at the close of the polling station with the other documents in use at such voting.

When not qualified in respect of residence.

**132.** When the elector is not qualified in respect of residence, the clerk shall determine where, in his judgment, the said vote for the election of the mayor may be most conveniently cast.

Persons not entitled to be entered on list.

**133.** The following persons shall not be entitled to have their names entered on the electoral list:

1. Permanent officers or employees of the municipality in receipt of an annual, monthly or weekly salary;

2. Persons who are no longer in possession as proprietors of the property on which they were qualified when the list was made;

3. Persons who are guests or lodgers in a hotel, boarding-house or private dwelling, and not otherwise qualified;

4. Tenants who, at the time of the making of the electoral list, are no longer householders in the ward, and also tenants of any office, qualified as such, who have not actually occupied such office since the month of May next preceding, or who have ceased to occupy the same at the time of the revision of the electoral list.

Right of vote not affected.

**134.** Non-payment of the taxes for which he is indebted to the municipality shall not deprive an elector of the right to be entered on the electoral list nor of the right to vote.

#### § 2.—*Preparation of the Electoral List*

When electoral list to be prepared.

**135.** Prior to the first of December of each year, there shall be prepared by the clerk, or under his direction, in the manner hereinafter mentioned, a list for the municipality of the names of persons entered on the valuation roll as well as on the collection roll of the municipality and qualified to be entered in the electoral list.

Contents of list.

**136.** Such list shall contain the names and surnames of the electors, their occupations, the streets and street numbers, if any, of the property in respect of which they

are qualified to vote, and in a separate column the nature of the qualification of such electors, whether as proprietors, tenants or occupants.

**137.** The clerk shall divide the electoral list of the municipality into as many parts as there are wards in the municipality, and shall subdivide each ward into as many polling districts as there are multiples of two hundred and fifty electors for each, adding a district if there remains a fraction of that number.

Subdivision  
of wards  
into polling  
districts.

Such districts shall, as far as possible, contain an equal number of electors.

Equal num-  
ber of  
electors.

**138.** He shall make, for each polling district, an alphabetical list of the electors qualified to be entered thereon, which he shall sign and certify under oath before a justice of the peace, as correct to the best of his knowledge and belief, the whole according to form B.

Alphabeti-  
cal list for  
each polling  
district.

Attestation.

**139.** The clerk, within two days from the day upon which he takes the oath required by section 138, shall give and publish a public notice, setting forth that the electoral list has been prepared according to law, and that it has been lodged in his office, at the disposal and for the information of all persons interested.

Notice of de-  
posit of list  
and what to  
contain.

Such notice shall be drawn up according to form C, and published in the same manner as notices for municipal purposes.

Form and  
publication  
of notice.

**140.** The electoral list for all the polling districts of any ward of the municipality shall be considered as the electoral list for such ward, and the electoral list for all the wards shall be considered to be the electoral list for the whole municipality in every election held under this act or the charter.

What consti-  
tutes electo-  
ral list for  
municipal-  
ity.

**141.** If the clerk refuse or neglect to make alphabetical lists of the electors according to law, or if, in making such lists, he knowingly enters thereon or omits therefrom names which should not be entered or omitted, and if he thus transmits such list, after having certified the same under oath, he shall be liable to a fine of not more than two hundred dollars, and, in default of payment, to imprisonment for not more than six months.

Penalty  
on clerk for  
refusal to  
perform or  
neglect in  
performance  
of duties.

**142.** The mayor shall see that the electoral list for each ward of the municipality is made according to law, and he may suspend the clerk if the latter refuse or neglect to make the said list.

Duty of  
mayor to see  
that list is  
made, etc.

Appoint-  
ment of  
special  
clerk to  
make list in  
default of  
clerk.

**143.** If the clerk has not made the alphabetical list of electors, or has not given or published the notice required by section 139, by the third day of December, the judge of the Superior Court for the district, or, in the event of the absence of such judge or of his inability to act, a judge of a neighbouring district, or the Magistrate's Court, on summary petition of any person entitled to be entered as an elector in the municipality, shall appoint a special clerk to prepare the alphabetical list of electors.

Responsibil-  
ity of clerk  
of municipi-  
pality.

**144.** The clerk shall be personally liable for the costs incurred on such petition, and for those incurred in drawing up the list by the special clerk, unless the judge or the Magistrate's Court, for special reasons, deems it advisable to order otherwise, and, in such case, the costs shall be in his or its discretion.

May draw  
up list in  
meantime.

The clerk may, however, draw up and prepare the list, so long as the special clerk shall not have been appointed.

Duties of  
special clerk.

**145.** The special clerk shall prepare the electoral list and divide the wards into polling districts, within fifteen days after notice of his appointment.

His powers  
and respon-  
sibilities.

He shall be, for such purpose, an officer of the municipal council, and shall exercise the same powers and discharge the same duties as the clerk of the municipality, under the same penalties in case of default or neglect on his part.

Duties of  
mayor, etc.

**146.** In so far as the same shall be incumbent upon them, the mayor and the officers of the council shall deliver to the special clerk, on his demand, the valuation roll and the collection roll which are to avail as the basis of the elec-

Penalty.

toral list, under penalty of a fine upon each of not more than two hundred dollars, and, on failure to pay such fine, of imprisonment for not more than six months.

### § 3.—*Examination and putting into Force of the List*

Examina-  
tion of the  
list.

**147.** Upon complaint to that effect, under section 148 or section 150, and not otherwise, the electoral list may be examined and corrected by the council of the municipality, within the thirty days next after the expiration of the delay prescribed for the preparation of the list, or, if the list has been completed after the expiration of the said delay, within the thirty days after the notice given in virtue of section 139.

Complaint  
for omission,  
etc., of com-  
plainant's  
name.

**148.** Any person who deems himself aggrieved either by the insertion in or omission of his name from the list, may, either by himself or through his agent, file in the office of the clerk a complaint in writing to such effect, within

the fifteen days next after the expiration of the delay prescribed for the preparation of the list, or, if the list has been completed after the expiration of the said delay, within the fifteen days after the notice given in virtue of section 139.

**149.** Before examining or correcting the electoral list, the council shall cause to be given, through the clerk, the special clerk, or any other person, public notice of the day and hour at which such examination will begin. It may, in its discretion, cause different days to be specified in the notice, for examining and correcting the list for each of the wards. Notice of examination.

Before taking into consideration the complaints in writing filed in the office of the council with respect to the electoral list, the council shall also cause a special notice to be given to every person, the insertion or omission of whose name in or from the list is applied for. Special notice.

The public notice and the special notice required by this section shall be of five days; and they shall further be given and published or served in the same manner as notices for municipal purposes. Delays on notice.

There shall be allowed to the clerk, at the cost of the party complaining, a fee of twenty-five cents for each special notice given by him to any person whose name is neither added to nor struck from the list by the council, or by the judge, if there be an appeal, as hereinafter provided. Fees of clerk on notice.

The giving of public and other special notices shall be part of the general duties of the clerk. Clerk's duty to give certain notices.

**150.** Any person believing that the name of any other person entered on the list should not have been so entered, owing to his not possessing the qualifications required for an elector, or believing that the name of any other person not entered thereon should be so entered, owing to his possessing the qualifications required, may file, in the office of the clerk, a complaint in writing to such effect, within a like delay of fifteen days. Complaint for omission etc., of names of other persons.

**151.** The council on proceeding to the examination, shall first verify the regularity of the proceedings had in preparing the list, and draw up a minute thereof, and shall then take into consideration all the complaints in writing, and hear persons interested and, if it deems it necessary, receive their proof on oath. Procedure of council.

The council, by its decision on each complaint, may confirm or correct the list; and shall then, if necessary, re-divide the list, according to the polling districts, keeping the alphabetical order of the electors thereon. Decision.

**152.** If, upon sufficient proof, the council be of opinion Fraudulent

title. that a property has been leased, assigned or made over under any title whatsoever, with the sole object of giving to a person the right of having his name entered on the electoral list, it shall strike the name of such person from the said list, upon complaint in writing, and on evidence under oath taken before the mayor or the clerk being made to that effect.

Correction of clerical errors by council. **153.** At any time before the coming into force of the list, the council may correct clerical errors in the names of the electors, or in the other particulars appearing on the list.

Corrections to be authenticated. **154.** Every insertion in, erasure from, or correction of the list, in virtue of sections 151, 152 and 153 shall be authenticated by the initials of the officer presiding over the council.

Coming into force of list. **155.** The electoral list shall come into force at the expiration of the thirty days following the expiration of the delay prescribed for its preparation, or, if the list has been completed after the expiration of the said delay, within the thirty days after the notice given in virtue of section 139, and shall remain in force until the month of January following its coming into force, and, thereafter, in all cases, until a new list is made and put into force under the authority of this act.

Replacing of list. Nevertheless, when the list in force is destroyed or lost, the list replaced by the latter shall again come into force, and shall remain in force until a new list shall have been legally prepared and put into force.

Effect of appeal. Notwithstanding the appeal touching a portion of the list, such portion of the list shall remain in force until the final decision of the court before which the said petition in appeal is pending.

Effect of the list. **156.** Nevertheless, subject to any correction made under section 170, every electoral list so put into force, even although the valuation roll and the collection roll which have served as the basis for such list be defective or be quashed or set aside, shall, while it remains in force, be deemed the only true list of electors, within the territorial division to which it relates.

Effect of setting aside list for one ward. **157.** The setting aside, for any reason, of the part of the list relating to one ward, shall not affect any other part of the list.

Certificate of the clerk. **158.** So soon as the list of electors has come into force, the clerk shall insert, at the end of such list, the certificate set forth in form D.

**159.** No informality in the preparation, completion, revision or putting into force of the list shall invalidate the same, unless an actual injustice result therefrom.

Informalities not to affect the lists.

**160.** The electoral list shall be kept among the archives of the municipality.

Keeping of list.

§ 4.—*Appeal to a Judge*

**161.** By a petition, briefly setting forth the reasons of appeal, any municipal elector of the municipality may, within fifteen days, appeal from any decision of the council, confirming, correcting or amending the list, to the judge of the Superior Court for the district, to the district Circuit Court, or to the county Circuit Court.

Appeal from decision of council.

The respondent may obtain a suspension of the proceedings in appeal, until the appellant has given such security as may be considered necessary in the discretion of the court or judge, or has deposited with the clerk of the court such sum as may be specified by the court or judge for the payment of the costs on such appeal.

Proceedings suspended until security given.

**162.** In any district in which there is no resident judge of the Superior Court, the appeal may be brought before the Magistrate's Court, in the same manner and with the same effect as before the judge of the Superior Court.

Districts where there is no judge.

**163.** If, within the time prescribed, the council has neglected or refused to take into consideration a complaint duly fyled, any person may appeal to such judge or court therefrom, in the manner above prescribed and within fifteen days after the expiration of the thirty days prescribed in section 147.

Appeal on refusal, etc., to consider complaint.

**164.** A copy of the petition in appeal shall be served upon the clerk of the municipality, who shall immediately give special notice thereof to the mayor, and special notice to the parties interested.

Service of petition and notice.

**165.** The judge shall have full power and authority to hear and decide such appeal in a summary manner on the day and at the place which he fixes, and shall proceed from day to day, in term or in vacation.

Hearing and decision of appeal.

Such appeal shall have precedence over other causes.

Precedence of appeal.

**166.** The judge may order that further notice be given to each of the parties to the cause, may summon before him and examine, under oath or affirmation, any party or witness, and require the production of any document, paper or thing.

Powers of judge.

Id., *ex officio*.

He may, *ex officio*, order the correction of any obvious formal irregularity or error found therein, and give any order with the object of enforcing the law on the matter.

Idem.

For such purposes, he shall possess all the powers conferred upon the Superior Court in relation to matters pending before such court.

Defect of form.

**167.** No proceedings on such appeal shall be annulled for defect of form.

Costs in appeal.

**168.** The costs of appeal shall be taxed, in the discretion of the judge, against such of the parties as he deems advisable, even against the municipality, and shall be recoverable under a writ of execution issued in the usual manner, provided the said costs do not exceed the costs of a fourth class action in the Superior Court.

Decision to be final.

**169.** The decision of the judge shall be final.

Correction of list.

**170.** The clerk shall correct the electoral list in his possession according to the decision of the court, so soon as an authentic copy thereof has been served upon him.

#### § 5.—*Miscellaneous Provisions*

Furnishing copies of lists to any ratepayer, etc.

**171.** The clerk shall furnish, to any ratepayer applying therefor, a copy of or extract from the electoral list for the year, on payment of a fee of ten cents for one hundred words.

Penalty on clerk for omission, etc., in copies given by him.

**172.** Every clerk, who delivers a copy or an extract of a list which he knows not to conform with the original, shall be guilty of an offence which renders him liable to a fine of not more than one hundred dollars, and, failing payment, to imprisonment for not more than two months.

### DIVISION VII

#### ELECTIONS

#### § 1.—*Date of the Elections*

Date of general elections.

**173.** The general election for mayor and aldermen of the municipality shall be held every two years, on the first juridical day of February, in accordance with the provisions hereinafter contained.

Change by letters patent.

The Lieutenant-Governor in Council may, by letters patent, at the request of the council of the municipality concerned, change the date for the elections.

The proceedings and notices for such application shall, as far as possible, be the same as those required for obtaining letters patent under sections 12 and following of this act. Proceedings, etc.

Notice of such change must be published in the *Québec Official Gazette* and in the volume of the statutes passed at the then next session of the Legislature. Notice.

## § 2.—*Election Officers*

**174.** The clerk of the municipality shall be the returning-officer for any election held under the provisions of this act. Clerk to be returning-officer.

Whenever, before the appointment of the election clerk in accordance with section 175, the clerk refuses or is disqualified or unable to act as returning-officer, the mayor shall appoint, by a commission under his hand, a competent person as returning-officer. Appointment of returning-officer by mayor.

**175.** Ten days at least before the twentieth day of January, at noon, in the year in which a general election is to be held, the returning-officer, by a commission under his hand, in the form E, shall appoint an election clerk, and may, at any time during the election, appoint in the same manner, another election clerk, if the one first appointed resigns, or refuses or is unable to perform his duties as such clerk. Appointment of election clerk.

**176.** The election clerk shall, before acting as such, take the oath of office in the form F. Oath of office of election clerk.

**177.** The election clerk shall assist the returning-officer in the performance of his duties, and act in his stead as returning-officer, when the returning-officer refuses or is disqualified or unable to perform his duties, and has not been replaced. Duties of election clerk.

In the case of the change of a returning-officer, the election clerk shall continue in office, unless he is replaced in the discretion of the new returning-officer, in the manner above prescribed. If new returning-officer appointed.

**178.** Any returning-officer, election clerk, deputy returning-officer or poll-clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this act, shall, for each such refusal or neglect, be liable to a fine of not more than five hundred dollars, in addition to the amount of all actual damages thereby occasioned to any person. Penalty on election officers for non-performance of duties.

§ 3.—*Notice of Election by the Returning-Officer*

Notice of election to be given by returning-officer.

**179.** Eight days at least before the twentieth day of January in the year in which a general election is to be held, the returning-officer shall give public notice, in the form G, over his signature, setting forth:

1. The place, day and hour fixed for the nomination of candidates;
2. The day on which the poll for taking the votes of the electors will be held in case a poll is necessary;
3. The appointment of the election clerk.

Where nomination to be held.

**180.** The place fixed for the nomination of candidates shall be the city or town hall, the office of the municipal council, or some other public or private building, in the most central or most convenient place for the majority of the electors of the municipality.

§ 4.—*Nomination of Candidates*

Date of nomination.

**181.** The nomination of candidates at a general election shall be held on the twentieth of January from noon to two o'clock in the afternoon. If such day be a holiday, it shall be held on the first juridical day following such date, and during the same hours.

Who may nominate candidates and form of nomination paper.

**182.** 1. Ten electors qualified to vote and whose names are entered on the electoral list in force in the municipality, may nominate a candidate for the office of mayor, and ten electors qualified to vote and whose names are entered on the electoral list in force in the municipality for the ward in which the election is held, may nominate a candidate for the office of alderman for such ward, by signing a nomination paper, in the form H if the mayor be in question and in the form I if an alderman be in question, stating therein the names, and surname, residence and profession or occupation of the person nominated, in such manner as sufficiently to identify such candidate, and by delivering the said nomination paper to the returning-officer on the day and at the hour and place indicated in the notice published in accordance with section 179, or causing the same to be delivered to the returning-officer as hereinafter mentioned.

Mark by those who cannot write.

2. The mark affixed upon the nomination paper by any elector unable to write shall be deemed to be the signature required, within the meaning of this act.

Nomination papers may be filed with returning-officer at

3. Such nomination papers may also be filed with the returning-officer at any other place, and at any time between the date of the notice published in conformity with section 179 and the day of nomination, with the same effect as

if produced at the time and place fixed for the nomination; and, at the close of the time for nominating the candidates, the returning-officer shall deliver, to every candidate or agent of a candidate applying therefor, a duly certified list of the names of the several candidates who have been nominated, and any votes given at the election for any other candidates than those so nominated shall be null and void.

**183.** If there be more than one alderman for each ward, the office of alderman for each ward in the municipality shall be designated by a number.

**184.** A nomination paper shall be accompanied by the consent in writing of the person therein nominated, (forms H and I), except when such person is not present in the municipality; in which case his absence shall be stated in the nomination paper.

**185.** 1. The sum of fifty dollars, in legal tender or in the bills of any chartered bank doing business in Canada, or a cheque for such sum drawn upon and accepted by any such bank, shall be deposited in the hands of the returning-officer at the time the nomination paper is filed with him.

2. The receipt of the returning-officer shall, in every case, be sufficient evidence of the production of the nomination paper, of the consent of the candidate, and of the deposit hereinabove mentioned.

3. The sum so deposited by any candidate shall not be liable to seizure, and shall be returned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-third the number of votes polled in favor of the candidate elected; otherwise, except in the case provided for by section 193, it shall belong to the municipality; and the sums so paid and not returned, as hereinabove provided, shall be applied by the returning-officer towards the the payment of the election expenses.

**186.** With each nomination paper shall be filed:

1. A declaration from the candidate or some other person stating under oath that the candidate is a British subject and that he is duly qualified, and containing a description of the immoveable property on which such qualification is based;

2. A certificate from the clerk, establishing the value of the said property according to the valuation roll in force;

3. A certificate from the treasurer of the municipality showing that the candidate is not indebted to the municipality for taxes or water-rates.

Nomination  
paper to be  
attested, etc.

**187.** 1. The returning-officer shall require the person, or one or more of the persons, producing or filing any such nomination paper, to make oath before him that he knows or they know that the several persons who have signed such nomination paper or have made their marks thereon, are electors entitled to vote, and that they have signed or have made their marks thereon in his or their presence, and that the consent of the candidate has been signed in his or their presence, or that the person named as candidate is not present in the municipality, as the case may be.

Form of  
oath.

2. Such oath may be in the form J, if the office of mayor be in question, and in the form K, if that of alderman, and the fact of its having been taken shall be stated on the back of the nomination paper.

Oath of can-  
didate.

**188.** If the nomination paper be produced by the candidate himself, the returning-officer shall require such candidate to make oath before him that the signature subscribed to the consent is his signature, and an entry thereof shall be made at the end or on the back of the nomination paper; and, in such case, the affidavit of another person, in relation to the consent of the candidate, shall not be required.

Validity of  
nomination  
paper.

**189.** No nomination paper shall be valid nor be given effect to by the returning-officer, unless it be made and delivered in conformity with the formalities prescribed by sections 182 to 188.

Declaration  
of returning-  
officer.

So soon as he has received the same, the returning-officer shall examine it and declare whether he considers it valid or not, and shall enter thereon over his signature the word "admitted" or the word "rejected", with, in the latter case, the reasons for such rejection.

Correction,  
etc.

The nomination paper may then be corrected or replaced by another nomination paper, so long as the delay has not expired.

Proclama-  
tion of can-  
didates  
without con-  
testation.

**190.** If, at the expiration of the delay fixed for the nomination of candidates for mayor or alderman, only the number required for any one of the said offices is nominated, such candidates shall *ipso facto* be elected, and the returning-officer shall forthwith proclaim such candidates elected and give public notice of such election not later than the following day.

Report to  
accompany  
return to  
council.

**191.** The returning-officer shall accompany his return to the municipal council with a report of his proceedings, in which he shall mention any nomination proposed and rejected for defect of form.

**192.** Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll, by filing with the returning-officer a declaration in writing to that effect, signed by himself; and any votes cast for the candidate who has so withdrawn shall be null and void; and if, after the withdrawal, there remain but one candidate, the returning-officer shall return as duly elected the candidate so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal be filed on the polling day.

Withdrawal  
of candidate.

**193.** 1. If a candidate die after being nominated and before the closing of the poll, the returning-officer shall immediately recommence the proceedings for the election, by giving the notice mentioned in section 179, and shall fix the days for the nomination of candidates, and for the voting, leaving ten days between.

Death of  
candidate.

2. The deposit of a deceased candidate shall be returned to his estate.

Return of  
deposit.

3. The election, in the case of this section, shall be held in the same manner as other elections under this act.

Procedure at  
election.

4. In his report to the council respecting the election, the returning-officer shall state the reasons which occasioned the postponement of the election.

Return to be  
made in such  
cases.

**194.** If more candidates be nominated for any of the said offices than are required, the returning-officer shall grant a poll, but no person shall be elected who shall not have been nominated in the manner hereinabove provided.

Poll to be  
granted if  
more candi-  
dates than  
offices to fill.

**195.** 1. If at the expiration of the delay fixed for the nomination of candidates for mayor or alderman, the number of candidates required to fill one or more of such offices have not been nominated, the returning-officer shall immediately recommence the proceedings for election for the office or offices so left vacant, by giving the notice mentioned in section 179, and shall fix the days for the nomination of candidates for such office or offices, and for the voting, leaving ten days between.

If not  
sufficient  
candidates  
nominated.

2. The election, in the case of this section, shall be held in the same manner as other elections under this act.

Procedure  
at election.

3. In his report respecting the election, the returning-officer shall forward to the municipal council a special report of the reasons which occasioned the postponement of the election.

Special re-  
port.

§ 5.—*Proceedings between Nomination and Poll*

Duties of re-  
turning-  
officer:  
Notice of  
poll;

**196.** When polling is necessary, the returning-officer shall:

1. six days at least before the polling, give public notice of his having granted such poll, including the names, surnames, residences and occupations of the candidates nominated in the order in which they are to be printed on the ballot papers hereinafter mentioned, and the date when and place where he will count the number of votes given for the different candidates. Such notice shall be in the form L;

Deputy re-  
turning-offi-  
cer;

2. appoint, by a commission under his hand, in the form M, a deputy returning-officer for each polling district, who shall, before acting as such, take the oath of office in the form N;

Copies of  
electoral  
list, etc.;

3. furnish the deputy returning-officer of each polling district with a copy, certified by him, of the electoral list for the polling district, a copy of the instructions approved by the municipal council for the guidance of electors in voting, and a copy of the part of this act which refers to elections;

Ballot-  
boxes, forms,  
etc.;

4. deliver to each deputy returning-officer, two days at least before the polling day, a blank poll-book, forms of oaths to be administered to voters, envelopes, sealing wax, and a ballot-box, and also a screen if one be required;

Ballot-pa-  
pers;

5. furnish each deputy returning-officer with a sufficient number of ballot-papers (all being of the same kind and as nearly as possible alike) to supply the number of electors on the list of such polling district, and a certificate of the number of such ballot-papers, and with the necessary materials for electors to mark their ballot-papers;

Directions  
for voters;

6. furnish each deputy returning-officer with at least ten copies of printed directions, in the form O, for the guidance of voters in voting, which printed directions the deputy returning-officer shall, before or at the opening of the poll, on the day of polling, cause to be posted up in some conspicuous places outside of the polling station, and also in each compartment of the polling station;

List of  
deputy re-  
turning-offi-  
cers.

7. at least two days before the day fixed for polling, furnish to each candidate a list of all deputy returning-officers appointed to act in such election, with the name or number of the poll at which each of them is to act.

Polling sta-  
tions.

**197.** The returning-officer shall establish a poll in each polling district.

Where to be  
established.

**198.** The polls shall be established in central and convenient localities.

**199.** 1. Each deputy returning-officer shall forthwith appoint, by commission under his hand, in the form P, a poll-clerk, who, before acting as such, shall take the oath in the form Q. Poll-clerk.

2. Each deputy returning-officer shall, if practicable, furnish to the returning-officer, not later than nine o'clock in the morning of the day prior to the day fixed for polling, the name and occupation of such poll-clerk; and the returning-officer shall, not later than twelve o'clock noon of the day prior to the day fixed for polling, post up in his office a list of the names and occupations of the deputy returning-officers and poll-clerks, showing the poll where each is to act, and shall permit free access to and afford full opportunity for inspection of such list by any candidate or elector up to at least six o'clock of the evening of the same day. Information as to deputy returning-officers and poll-clerks.

**200.** The poll-clerk, at the poll for which he is appointed, shall assist in the execution of his duties as deputy returning-officer appointed to keep the poll at such place, and shall obey his orders. Duties of poll-clerk.

**201.** If the poll-clerk dies, is unable to act, or refuses to accept such office, or neglects to discharge the duties thereof, the deputy returning-officer shall appoint another person competent to act as poll-clerk, who shall take the oath prescribed by section 199. New poll-clerk in certain cases.

**202.** 1. Whenever a deputy returning-officer dies or refuses or is unable to act, the returning-officer may appoint a person to act in his place as deputy returning-officer; and, if no such appointment be made, the poll-clerk, without taking another oath of office, shall act as deputy returning-officer. Poll-clerk to act as deputy returning-officer in certain cases.

2. Whenever the poll-clerk acts as deputy-returning-officer, he shall, by a commission in the form R, appoint a poll-clerk to act in his stead, who shall take the oath required by section 199. Appointment of new poll-clerk.

**203.** The returning-officer may cause the necessary number of ballot-boxes to be made. Making of ballot-boxes.

**204.** Whenever the returning-officer fails to furnish the ballot-box and screen, or either of them, to the deputy returning-officer for any polling district, within the time prescribed by section 196, or if either has or both have been removed or lost, such deputy returning-officer shall cause them to be made. If ballot-box or screen is not furnished.

Construc-  
tion of bal-  
lot-boxes.

**205.** The ballot-box shall be made of some durable material, with a lock and key and a slit or narrow opening in the top, and so constructed that the ballot-papers may be introduced therein, but cannot be withdrawn therefrom unless the box is opened.

Form of bal-  
lot papers.

**206.** 1. The ballot of each elector shall be a printed paper, called a ballot-paper, on which the names of the candidates, alphabetically arranged in the order of their surnames, shall be printed exactly as they are set out in the nomination paper; and the ballot-paper shall also be provided with a counterfoil and there shall be a line of perforations between the ballot and the counterfoil; the whole as in form S.

Description  
of paper.

2. The ballot-papers shall be printed on good writing paper.

Name of  
printer.

3. The ballot-papers shall bear the name of the printer who prints them.

Printer's  
affidavit.

4. The printer shall, upon delivering the ballot-papers to the returning-officer, file in his hands an affidavit setting forth the description of the ballot-papers so printed by him, the number of ballot-papers supplied to such returning-officer, and the fact that no other ballot-papers have been supplied by him to any one else.

Use of bal-  
lots with  
name of  
retired  
candidate  
thereon.

**207.** If a candidate retires too late to allow of the printing of new ballot-papers, and polling is proceeded with for other candidates, the deputy returning-officer shall make use of the ballot-papers on hand after plainly striking out, in a uniform manner by a line in ink, the name of the candidate who has withdrawn, and such ballot-papers shall serve for all the purposes of the election.

Ownership  
of ballot-  
boxes, etc.

**208.** The ballot-boxes, ballot-papers, envelopes and marking instruments procured for or used at any election, shall be the property of the municipality.

### § 6.—*Voting*

Where the  
poll shall be  
held.

**209.** The polling shall be held in each polling district in a room or building of convenient access, with an outside door for the admittance of voters, and having, if possible, another door through which they may leave after having voted; and one or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot-paper; and a table or desk with a hard and smooth surface shall be provided, upon which the voter may

Compartment-  
ments.

mark his ballot-paper; and a suitable black lead pencil shall be provided and kept properly sharpened throughout the hours of polling for the use of the voters in marking their ballots. Table to be provided, etc.

**210.** The poll shall be opened at the hour of seven of the clock in the forenoon and kept open until five of the clock in the afternoon of the same day; and each deputy returning-officer shall, during that time, in the polling station assigned to him, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling station; but, from seven o'clock until nine o'clock, workmen, artisans and employees in factories shall have precedence in voting. The council may by by-law fix a later hour than five o'clock but not later than eight o'clock in the afternoon for the closing of the voting. Hours for polling.

**211.** In addition to the deputy returning-officer and the poll-clerk, the candidates and their agents (not exceeding two for each candidate in each polling station), or, in the absence of agents, two electors asking to represent each candidate, and no others, may remain in the room where the votes are given, while the poll remains open. Who may remain in the room.

Any agent bearing a written authorization from the candidate shall always be entitled to represent such candidate in preference to, and to the exclusion of, any two electors who might otherwise claim the right of representing such candidate under this section. Agents with authorization.

**212.** Any person producing to the returning-officer or deputy returning-officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate within the meaning of this act. Who may act as agents for candidates.

**213.** Whenever in the part of this act relating to elections, any expressions are used, requiring or authorizing any act to be done, or implying that any act or thing is to be done, in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate in anywise the act or thing done. Presence of agents, etc.

**214.** A candidate may himself undertake the duties which any agent of his, if appointed, might have under- Candidate may act in

lieu of agent. taken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of that part of this act relating to elections, be authorized to attend.

Who may not act as agent.

**215.** Every returning-officer or deputy returning-officer of a municipality, and every partner or clerk of either of them, who acts as agent for any candidate in the management or conduct of his election, shall be guilty of an offence which may be summarily tried, and liable to a fine of two hundred dollars.

Oath of agents.

**216.** One of the agents of each candidate, or, in the absence of such agent, one of the electors representing each candidate, if there be such elector, on being admitted to the polling station, shall take an oath, in the form T, to keep secret the names of the candidates for whom any of the voters has marked his ballot-paper in his presence, as hereinafter required.

Inspection of ballot-papers, etc., before opening of poll.

**217.** Agents and electors, entitled to be present in the room of the polling station during polling hours, shall be entitled to have the ballot-papers, intended for use thereat, carefully counted in their presence before the opening of the poll; and shall be entitled to inspect such ballot-papers and all other papers, forms and documents relating to the polling; provided such agents or electors be in attendance at least fifteen minutes before the hour fixed for opening the poll.

Proviso.

Provision as to election officers or agents entitled to vote.

**218.** 1. The returning-officer, on the request of any elector entitled to vote at one of the polling stations who is appointed deputy returning-officer or poll-clerk, or who is named the agent of any of the candidates for a polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy returning-officer, poll-clerk or agent is entitled to vote at such election at the polling station where such elector is stationed during the polling day; and, on the production of such certificate, such deputy returning-officer, poll-clerk or agent shall have the right to vote at the polling station where he is placed during the polling day, instead of at the polling station where he would otherwise have been entitled to vote; provided that no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such deputy returning-officer, poll-clerk or agent during the day of polling; no more than two agents

Proviso.

of any candidate shall have the right to vote at any one polling station under such certificates.

2. The returning-officer shall not grant such certificate <sup>Limitation.</sup> for more than two agents for each candidate at or for each polling district.

3. Every person so appointed deputy returning-officer, <sup>Form of</sup> poll-clerk or agent, and claiming to vote by virtue of such <sup>oath.</sup> certificate, shall, if required, before voting, take the oath in the form U.

4. Such oath, with the corresponding certificate of the <sup>Oath to be</sup> returning-officer, shall be filed with the deputy returning-<sup>filed.</sup> officer at the polling station where the person taking it has voted.

**219.** At the hour fixed for opening the poll, the de- <sup>Opening the</sup> puty returning-officer and the poll-clerk shall, in the pre-<sup>poll, show-</sup> sence of the candidates, their agents, and such of the elect-<sup>ing and</sup> ors as are present, open the ballot-box and ascertain that <sup>locking</sup> there are no ballot-papers or other papers therein, after <sup>ballot-box.</sup> which the box shall be locked, and the deputy returning-officer shall keep the key thereof.

**220.** Immediately after the ballot-box is locked, as <sup>Calling</sup> above provided, the deputy returning-officer shall, at seven <sup>upon voters.</sup> o'clock precisely, call upon the electors to vote.

The deputy returning-officer shall secure the admittance <sup>Voters not</sup> of every elector into the polling station, and shall see that <sup>to be</sup> he is not impeded or molested at or about the polling <sup>impeded.</sup> station.

**221.** 1. Not more than one elector for each compart- <sup>Elector to</sup> ment shall, at any one time, enter the room where the poll <sup>declare his</sup> is held; and each elector upon so entering shall declare his <sup>name, etc.,</sup> name and his profession or occupation, which particulars shall be entered in the poll-book by the poll-clerk, a number being prefixed to the name.

2. The poll-book shall be kept in the form V. <sup>Poll-book.</sup>

3. If the elector's name be found on the list of electors <sup>If name is</sup> for the polling district of the polling station, he shall be en- <sup>on list.</sup> titled to vote.

**222.** Any elector presenting himself to vote shall, <sup>Oath to be</sup> before receiving his ballot-paper, if thereunto required by <sup>submitted</sup> the deputy returning-officer, the poll-clerk, one of the can- <sup>to elector.</sup> didates, or one of their agents, or by any elector present, take the following oath or affirmation, and, under such oath or affirmation, answer in the affirmative to questions

How  
questions  
to be  
answered.

numbers 1, 2 and 4, and, if it concerns the election of mayor, in the negative to questions 3, 5, 7, 8, 9 and 10, and, if it concerns the election of an alderman, in the negative to questions 3, 6, 7, 8, 9 and 10, of the following form:

FORM OF OATH OR AFFIRMATION

Form of  
oath.

"You swear (or affirm, as the case may be) to answer the truth and nothing but the truth to the questions which will be put to you. So help you God.

1. Are you the person meant or intended to be meant by the name entered as follows (*name of the elector entered on the list*) on the list of electors for this polling district?

2. Are you a subject of His Majesty?

3. Have you been naturalized in any other country or taken therein the oath of allegiance?

4. Are you of the full age of twenty-one years?

5. Have you already voted to-day at this election for mayor, at this or any other poll in the municipality?

6. Have you already voted to-day at this election for an alderman at this or any other poll in this ward?

7. Has any promise been made to you, or your wife or to any of your relations, friends, or other persons, to induce you to vote or not to vote at this election?

8. Have you received anything, either personally or through your wife or through any member of your family, or in any other manner, to induce you to vote, or in relation to your vote at this election?

9. Are you acting, have you acted or do you intend to act, in the interest of any candidate at this election, as paid agent, messenger, employee, carter, or canvasser, with the view of obtaining something for your trouble, and thereby being influenced as to your vote?

10. Have you been guilty of, or participated in, any corrupt practice whatever which disqualifies you from voting at this election?"

Some of the  
questions  
only may be  
required  
to be put.

**223.** The person who exacts the oath may declare that he intends that one or some only of the questions mentioned in the above form shall be put to the elector, and, in that case, the deputy returning-officer shall put only the questions so designated.

No ballot to  
be given to  
person  
refusing to  
be sworn.

**224.** No ballot-paper shall be given to any elector who shall have refused to take the oath or affirmation mentioned in section 222 or 223, when thereunto required, or who, having taken the same, shall not have answered in the manner prescribed in such sections.

**225.** Whenever any deputy returning-officer has reason to know or believe that any person presenting himself to vote has already voted at the election or that such person is attempting to vote under a false name or designation, or is falsely representing himself as entered upon the electoral list, such deputy returning-officer, whether he be required to do so or not, shall administer to such person the oath or affirmation authorized by law, under penalty of being guilty of an offence which may be summarily tried and of being liable to a fine of two hundred dollars; and, in the event of the oath or affirmation having been so administered, mention shall be made of such formality by adding after the word "*Sworn*" or the word "*Affirmed*", as the case may be, the words: "*in virtue of section 225 of the Cities and Towns' Act, 1922*".

Oath  
exacted by  
deputy-  
returning  
officer.

**226.** The votes shall be given by ballot, and each elector who is entitled to vote shall receive from the deputy returning-officer a ballot-paper, on the back of which such deputy returning-officer has previously put his initials, so placed that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the name of the elector in the poll-book.

Ballot-paper  
to be initial-  
ed by  
deputy  
returning-  
officer.

**227.** The deputy returning-officer shall instruct the elector how and where to make his mark, and how to fold his ballot-paper, but without inquiring for whom the elector intends to vote, except in the case provided for in section 231.

Information  
to be given  
to electors.

**228.** The elector, on receiving the ballot-paper, shall forthwith proceed into one of the compartments of the polling-station and there mark his ballot-paper, making a cross with a black lead pencil within the white space containing the name of the candidate for whom he intends to vote, and shall then fold up the ballot-paper so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning-officer, who shall, without unfolding it, ascertain by examining his initials and the number on the counterfoil, that it is the same which he furnished to the elector, and shall then, in full view of those present, including the elector, remove the counterfoil and destroy it and place the ballot-paper in the ballot-box, which box shall be placed on a table in full view of those present.

Mode of  
voting and  
marking  
ballots, etc.

**229.** An elector, who has inadvertently marked, spoil-Elector

spoiling his ballot-paper. ed or torn the ballot-paper given him in such manner that it cannot be conveniently used, shall, on returning it to the deputy returning-officer, who shall deface it, obtain another ballot-paper in its place.

Elector in whose name another has previously voted. **230.** If a person, representing himself to be an elector whose name appears upon the list, applies for a ballot-paper after another person has voted as such elector, the applicant, upon taking the oath in the form W and otherwise establishing his identity to the satisfaction of the deputy returning-officer, shall be entitled to receive a ballot-paper, and to vote as any other elector.

Entry in poll-book. Mention shall be made in the poll-book of the fact of the voter having voted on a second ballot-paper issued under the same name, and that, on demand, he has taken the required oath or affirmation mentioned in section 222 or 223, and also of any objection made to such vote on behalf of any of the candidates, and of the name of such candidate.

Elector not able to mark his ballot. **231.** 1. The deputy returning-officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from marking his ballot-paper, shall assist such voter to vote, by himself marking his ballot-paper in favour of the candidate whom the elector designates, in the presence of the sworn agents of the candidates, or of the sworn electors representing them in the polling station, and of no other person, and the deputy returning-officer shall require the voter making such application, before voting, to make oath, in the form X, of his incapacity to vote without such assistance.

Entry in such case. 2. The deputy returning-officer shall enter in the poll-book, opposite the names of the voters whose ballot-papers have been so marked, in addition to what is required by section 235, the reason why such ballot was marked by him.

Interpreter to be sworn in certain cases. **232.** Whenever the deputy returning-officer does not understand the language spoken by any such elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote; and, in case no interpreter is found, such elector shall not be allowed to vote.

No delay in voting. **233.** Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot-paper has been put into the ballot-box. He must be sent away without

having voted if he unduly delays so to do, and his ballot shall be placed among those to be rejected.

**234.** No person shall vote more than once at the same election, in the same municipality, for the election of mayor, and in the same ward for the election of the same alderman. Voting more than once forbidden.

**235.** The poll-clerk shall enter in the poll-book, opposite the name of each elector voting, the word "*Voted*" as soon as his ballot-paper has been deposited in the ballot-box, and he shall enter in the same book the word "*Sworn*" or "*Affirmed*" opposite the name of each elector who has taken the oath or affirmation, and the words "*Refused to be sworn*" or "*Refused to affirm*" or "*Refused to answer*" opposite the name of each elector who has refused to take any oath or to affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer. Entries in poll-book.

**236.** Every one who—

Offences.

1. counterfeits, fraudulently alters, defaces or destroys a ballot-paper or the initials of the deputy returning-officer, signed thereon; or
2. without authority, supplies a ballot-paper to any person; or
3. fraudulently puts into a ballot-box a paper other than the ballot-paper which he is authorized by law to put in; or
4. fraudulently takes a ballot-paper out of the polling station; or
5. without authority, destroys, takes, opens or otherwise tampers with a ballot-box or packet of ballot-papers then in use for the purposes of the election; or
6. being a deputy returning-officer, fraudulently puts, otherwise than as authorized by law, his initials on the back of any paper purporting to be or capable of being used as a ballot-paper at an election; or
7. with fraudulent intent, prints any ballot-paper or what purports to be or is capable of being used as a ballot-paper at an election; or
8. being authorized by the returning-officer to print the ballot-papers for an election, with fraudulent intent prints more ballot-papers than he is authorized to print; or
9. attempts to commit any of the offences mentioned in this section,—

Penalties. shall be guilty of an offence summarily triable and shall be liable,—if he be a returning-officer, deputy returning-officer or other officer engaged at the election, to a fine of not less than one hundred nor more than five hundred dollars, and to imprisonment for a term of not less than two months nor more than one year, with or without hard labour, on failure to pay such fine,—and, if he be any other person, to a fine of not less than twenty-five dollars, nor more than two hundred dollars, and to imprisonment for any term of not more than six months nor less than one month, with or without hard labour, on failure to pay such fine.

Witnesses need not appear on voting day. **237.** No elector, summoned as a witness before any judge or court in this Province, shall be compelled to be or appear before such judge or court on the day during which voting takes place in the ward in which such elector is entitled to vote.

Masters, &c. to allow employees time to vote. **238.** Masters and employers and all others who have under them employees who are electors and who live in the municipality in which they are entered, shall allow, without molestation or indemnity, such electors a reasonable time to vote, under a penalty for each refusal of being guilty of an offence summarily triable, and punishable by a fine of one hundred dollars.

Penalty for not so doing.

Proceedings if nomination or polling could not be had on day fixed. **239.** In case, through accident or irresistible force, riot, removal of documents, or other cause of a similar nature, the nomination could not be had, or the polling could not commence at the hour fixed, or was interrupted by similar causes before being closed, the returning-officer and the deputy-returning-officer, in so far as it concerns either, shall adjourn to the following day to recommence the proceedings, and day by day, if necessary, until the nomination of candidates can be fully held; and, in the case of the polling, it shall be resumed by commencing at seven o'clock in the forenoon until it has lasted ten hours, so that all the electors who wish to vote may have the opportunity of so doing.

§ 7.—*Close of the Poll and Proceedings thereafter*

Close of poll. **240.** At five o'clock the poll and the voting shall be closed; and an entry thereof shall be made in the poll-book.

Counting the ballot-papers. Immediately thereafter, the deputy returning-officer shall first place all the spoiled ballots in an envelope and seal it up, and shall then count the numbers of voters whose names appear on the poll-book as having voted, and make an entry thereof on the line immediately below the

name of the voter who voted last, thus:— *The number of electors who voted at this election in this polling station is . . . (stating the number)*, and he shall sign his name thereto; then, in the presence of and in full view of the poll-clerk and the candidates or their agents, and, if the candidates and their agents or any of them be absent, then in the presence of such, if any, of them as are present, and of at least three electors, he shall open the ballot-box and proceed to count the number of votes given for each candidate, giving full opportunity to those present to examine each ballot.

The deputy returning-officer, in counting the votes, shall reject all ballot-papers which have not been supplied by him,—those by which more than one vote has been given,—those upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning-officer in the cases hereinafter provided for,—those left in blank or null on account of uncertainty, and those which do not have his initials thereon, saving the case of section 241. Rejecting ballots.

**241.** When, at the counting of the ballots, it has been established that the number of ballots deposited in the box corresponds with that entered in the poll-book (taking into account the ballots rejected which were not deposited), and when it appears that the ballots are the same as those supplied by the deputy returning-officer, the said deputy returning-officer, if he notices, when counting, that by oversight or forgetfulness he has omitted initialing some or all of the ballots on the back, may then do so in presence of the persons in the polling station, and at the same time indicate by a note on the back of the ballot-paper, that he has added his initials as a correction, and he shall make an entry thereof in the poll-book as prescribed by section 242. Duty of deputy returning-officer if ballots are found not initialed, although only the correct number in the box.

But, before so affixing his initials on the said ballots, the deputy returning-officer must write, sign and attest under oath, before the poll-clerk, the following declaration: Oath to be taken by him.

“I swear that, through forgetfulness and oversight, I did not affix my initials on *(state the number)* ballot-papers, which I acknowledge as having been supplied by me during the polling and which I have found in the ballot-box. So help me God.” Form of oath.

Sworn before me, at  
this        day of        19

}

Such declaration must be deposited with the other documents in the ballot-box. Deposit of oath in box.

Such ballot-papers shall then be counted as if all formalities had been duly accomplished in respect thereof. Ballots to be then counted.

Objections  
to ballot-  
papers.

**242.** 1. The deputy returning-officer shall take a note of every objection made by any candidate, or his agent or any elector present, to any ballot-paper found in the ballot-box, and shall at once decide every question arising out of the objection; and the decision of the deputy returning-officer shall be final, subject to reversal only on recount before a judge, or on petition questioning the election or return.

To be num-  
bered.

2. Each objection to a ballot-paper shall be numbered and a corresponding number placed on the back of the ballot-paper, and initialed by the deputy returning-officer. An entry at the end of the poll-book shall be made of each objection and its nature.

Entry in  
poll-book.

Duty of de-  
puty return-  
ing-officer  
after  
counting  
the votes.

**243.** The other ballot-papers being counted and a list kept of the number of votes given to each candidate, and of the number of rejected ballot-papers, all the ballot-papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels, and those rejected, those spoiled and those unused shall be put respectively into separate envelopes or parcels, and all such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning-officer. Any agent present in the polling station, if he desires to do so, may write his signature and affix his seal on the flap of the parcels or envelopes.

Oaths by de-  
puty return-  
ing-officer  
and poll-  
clerk.

**244.** 1. The deputy returning-officer and the poll-clerk, immediately after the votes have been counted, shall take and subscribe respectively the oaths in the forms Y and Z, which shall remain attached to the poll-book; after which the deputy returning-officer shall make out a statement in triplicate, in the form AA, one copy to remain attached to the poll-book, one copy to be retained by the deputy returning-officer and the third copy to be enclosed by him in a special envelope, which envelope he shall seal and deposit in the ballot-box.

Statement.

Certificate  
to candida-  
tes or their  
represent-  
atives.

2. The deputy returning-officer shall then, on demand, deliver to each of the candidates, or to their agents, or, in the absence of such candidates or agents, to the electors present representing the candidates, a certificate, in the form BB, of the number of votes given for each candidate, and of the number of rejected ballot-papers; and he shall also, forthwith after the close of the poll, mail a like certificate to each candidate, by registered letter, to the address stated in the ballot-papers.

Documents  
to be en-  
closed in  
ballot-box.

3. The poll-book, the envelopes containing the ballot-papers, the envelope containing the electoral lists, and all other documents which served at the election, with the exception of the statement of the ballot-papers, shall then be pla-

ced in the large envelope supplied for the purpose, and such large envelope shall be sealed and placed in the ballot-box.

4. The ballot-box shall then be locked and sealed with the seal of the deputy returning-officer, and shall be forthwith delivered by the deputy returning-officer to the returning-officer, or to the election-clerk, who shall receive the same, or to one or more persons specially appointed for that purpose by the returning-officer; and such person or persons shall, on delivering the ballot-boxes to the returning-officer, take the oath in the form CC.

Ballot-box  
to be sealed  
and de-  
livered.

**245.** The returning-officer, when he receives a ballot-box, shall take every precaution for its safe-keeping and to prevent any person other than himself and his election-clerk from having access thereto; and shall, immediately upon the receipt of each ballot-box, seal it under his own seal in such a way that it cannot be opened without the seal being broken, which he shall do without effacing or covering the seals thereto affixed.

Safe keeping  
of ballot-  
boxes.

**246.** 1. The returning-officer, at the place, day and hour, appointed by the public notice under section 196, and after having received all the ballot-boxes, shall proceed to open them, in the presence of the election-clerk, of the candidates or their representatives if present, or of two electors at least if the candidates or their representatives are not present, and to add together the number of votes given for each candidate, from the statements of the ballot-papers contained in the several ballot-boxes returned by the deputy returning-officer.

Addition  
of votes by  
returning  
officer.

2. If, at the addition of the votes, the returning-officer fails to find a statement of the ballot-papers in a ballot-box, used for the voting, he may open the large envelope deposited therein by the deputy returning-officer and remove therefrom the statement of the ballot-papers which has been placed therein in error. Nevertheless, the returning-officer shall not, for any reason whatsoever, open the envelopes containing the ballot-papers, and, as soon as he has completed his search, he shall replace the contents of the large envelope (except the statement of the ballot-papers) in a new envelope, which shall be sealed with his seal and with the seals of those present who wish to affix the same.

Opening of  
large envel-  
ope.

Envelopes  
containing  
ballots not  
to be open-  
ed.

3. The candidate who, on the addition of the votes, is found to have a majority of votes, shall then be declared elected.

Declaration  
thereupon.

**247.** Whenever, on the addition of votes by the returning-officer, an equality of votes is found to exist between any two or more of the candidates, and an additional vote would entitle any of such candidates to be declared

Casting  
vote of  
returning-  
officer.

elected, the returning-officer shall give such additional or casting vote, by declaring in writing, signed by himself, for whom he votes.

Not otherwise to vote. In no other case shall the returning-officer have the right to vote.

Adjournment if ballot-boxes are missing.

**248.** If the ballot-boxes are not all returned on the day fixed for adding up the number of votes given to the several candidates, the returning-officer shall adjourn the proceedings to a subsequent day, not more than a week later than the day originally fixed, for the purpose of adding up the votes.

Adjournment for other causes.

In case any deputy returning-officer has not duly enclosed in the ballot-box the statement of the ballot-papers counted by him as required by this act, or if, for any other cause, the returning-officer cannot, on the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, he may thereupon adjourn to a future day and hour the said adding up of the number of votes given for each candidate, and so on from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks.

Loss of boxes.

**249.** 1. If the ballot-boxes or any of them have been destroyed or lost, or for any other reasons are not forthcoming within the time fixed, as in the first paragraph of section 248 provided, the returning-officer shall ascertain the cause of disappearance of such ballot-boxes, and shall call on each of the deputy returning-officers whose ballot-boxes are missing, or on any other person having them, for the lists, statements and certificates, or copies of the lists, statements and certificates of the number of votes given to each candidate, the whole verified on oath; and if such lists or statements, or any of them, or copies thereof, cannot be obtained, he shall ascertain, by such evidence as he can procure, the total number of votes given to each candidate at the several polling stations, and to that end may summon the deputy returning-officers, poll-clerks or any other person, to appear before him on a day and hour to be named by him, and to bring all necessary papers and documents with them, and he shall advise the candidates of the day and hour of the intended proceedings; and the returning-officer may then and there examine on oath such deputy returning-officers or poll-clerks, or any other person, respecting the matter in question.

Duty of returning-officer if statement is not in ballot-box.

2. In case of an adjournment by reason of any deputy returning-officer not having placed in the ballot-box a statement of the ballot-papers counted by him, the returning-officer shall in the meantime use all reasonable efforts to ascertain the exact number of votes given for each candi-

date in the polling district on such deputy returning-officer, and to that end shall have the powers set out in subsection 1 of this section.

3. In any case arising under this section, the returning-officer shall return the candidate appearing to have the majority of votes, and shall mention specially in the report to be sent with the return to the municipal council, the circumstances accompanying the disappearance of the ballot-boxes, or the want of any statement as aforesaid, and the mode by which he ascertained the number of votes given to each candidate.

4. Any person refusing or neglecting to attend on the summons of a returning-officer, issued under this section, shall be guilty of an offence triable summarily and be liable to a penalty of one hundred dollars or to imprisonment for not more than six months, with or without hard labour.

§ 8.—*Recount and Final Addition by a Judge*

**250.** If, within four days after that on which the returning-officer has made the addition of the votes, it is made to appear, on the affidavit of a credible witness, to a judge of the Superior Court ordinarily discharging his duties in the judicial district in which the municipality or ward is wholly or partly situated, or, in his absence, to any other judge of the same court, that a deputy returning-officer at an election held in such municipality or ward, in counting the votes,—(a) has improperly counted, or (b) has improperly rejected any ballot-papers at such election, or (c) has made an incorrect statement of the number of ballot-papers cast for any candidate, or (d) that the returning-officer has improperly added up the votes,—and if the applicant deposits within the said time, with the prothonotary of the said Superior Court in the judicial district where the election was held, the sum of fifty dollars, in legal tender or in bills of any chartered bank doing business in Canada, as security for the costs, in favour of the candidate appearing by the addition to be elected, the said judge shall appoint a time, within four days after the receipt of the said affidavit by him, to recount the votes if the said application is made in relation to one of the first three grounds of application, or to make the final addition if the said application is made in relation to the last-mentioned ground of application, as the case may be.

**251.** The judge shall give notice in writing to the candidates of the time and place at which he will proceed to recount the votes, or to make such final addition, as the

Service of  
notice.

case may be; and the judge may, when granting the application or afterwards, direct that service of the notice upon the candidates may be substitutional, or may be made by mail or by posting up, or in such other manner as he thinks fit.

Order of  
judge to  
returning-  
officer, etc.

**252.** The judge shall summon the returning-officer and his election-clerk to attend on the day and at the place specified, with the parcels containing the ballot-papers used at such election, or the original statements of the deputy returning-officers, as the case may be, with respect to or in consequence of which such recount or final addition is to take place, which command the returning-officer and his election clerk shall obey.

Who may be  
present at  
recount or  
final addi-  
tion.

**253.** At such recount of votes or final addition by the judge, the returning-officer and his election-clerk shall be present, and each candidate shall be entitled to be represented by not more than three agents appointed to attend, and may himself be present if he desires; but, in case any candidate is not represented, any three electors may declare their desire to attend in his behalf and shall be entitled to attend; and, except with the sanction of the judge, no other person shall be present at such recount or final addition.

Making  
final addi-  
tion and  
recounting  
the votes.

**254.** At the time and place appointed, and in the presence of the said persons, if they attend, the judge shall proceed to make such final addition, or, as the case may be, to recount all the votes or ballot-papers returned by the several deputy returning-officers, and shall, in the latter case, open only the sealed packets containing the used ballot-papers which have been counted, the rejected ballot-papers, and the spoiled ballot-papers.

Day and  
hour when  
recount shall  
take place.

**255.** The judge shall, as far as practicable, proceed continuously, except on Sunday, with the final addition or recount of the votes, allowing only time for refreshments, and excluding (except so far as he and the persons aforesaid agree) the hours between six o'clock in the afternoon and nine in the succeeding forenoon; and during such excluded time and recess for refreshments, the judge shall place the ballot-papers and other documents relating to the election in an envelope closed under his own seal and the seal of such other of the said persons as desire to affix their seals and shall otherwise take precautions for the security of such papers and documents.

Packets  
sealed  
during ad-  
jourment.

**256.** The judge shall, in the case of a recount, proceed to recount the votes according to the rules set forth in section 240, and shall verify or correct the counting of the ballot-papers and statement of the number of votes given for each candidate; and, upon the completion of such recount, or as soon as he has so ascertained the result of the poll, he shall seal up all the said ballot-papers in separate packets.

Mode of proceeding with the recount.

**257.** The judge shall also, if necessary or required, review the decision of the returning-officer with respect to the number of votes given for a candidate at any polling station where the ballot-box used was not forthcoming when he made his decision, or when the proper certificates or papers were not found therein; and, for the purpose of arriving at the facts, shall have all the powers of a returning-officer with regard to the attendance and examination of witnesses.

Powers of judge.

**258.** The judge shall forthwith certify the result of the recount or final addition to the returning-officer, who shall then declare to be elected the candidate having the highest number of votes; and in case of a tie, the returning-officer shall give the casting vote.

Judge's certificate. Casting vote of returning-officer.

**259.** The returning-officer, after the receipt of notice from the judge of the recount or final addition, shall delay making his return to the municipal council until he receives a certificate from the judge of the result of such recount or final addition; and upon receipt of such certificate the returning-officer shall make his return.

Return not to be made until judge's certificate is received.

**260.** 1. If the recount or final addition does not alter the result of the poll as to affect the election, the judge shall order the costs of the candidate appearing to be elected to be paid by the applicant, and the moneys deposited as security for costs shall be paid out to the said candidate on account thereof, so far as necessary; and the judge shall tax the costs on giving his decision; and, if the deposit be insufficient, the party in whose favour costs are allowed shall have his action for the balance.

As to costs and disposal of deposit.

2. In taxing the costs the judge shall, as nearly as may be, follow the tariff of costs to be allowed with respect to proceedings in the Superior Court.

How costs shall be taxed.

#### § 9.—*Notice and Return of the Election*

**261.** The returning-officer shall, immediately after the sixth day following the addition made by him under

Return of candidate elected.

section 246 or after he has ascertained, under section 249, the number of votes given in favour of each candidate, give public notice indicating the candidates elected, and send to each of the candidates a certificate of election, made out according to the form DD, and shall, at the first general sitting following the election, make a return to the municipal council mentioning the names, residence and profession or occupation of the candidates elected as in the nomination paper, and stating that public notice of the result of such election has been given.

Return in cases of recount, etc.

If the returning-officer has, before the six days aforesaid, received notice that his presence is required before a judge in order that the latter may make a recount or final addition of the votes, the returning-officer shall give the notices, forward the certificate and make the returns specified by this section, immediately after he has received the result of the recount or final addition certified by the judge.

Documents to be kept by clerk of municipality for certain time.

**262.** The clerk of the municipality shall retain in his custody among the archives of the municipality, all the papers transmitted to him by any returning-officer, for at least one year if the election or return be not contested during that time; and, if the election or return be contested, then for at least one year after the termination of such contestation.

#### § 10.—*Secrecy of Voting*

Secrecy during poll.

**263.** Every candidate, officer, clerk, agent or representative of a candidate, in attendance at a polling station, shall maintain and aid in maintaining the secrecy of the voting at such polling station; and no candidate, officer, clerk, agent or representative shall, before the poll is closed, communicate to any person any information as to whether any person on the electoral list has or has not applied for a ballot-paper or voted at that polling station.

Interfering with voter marking ballot-paper.

**264.** No candidate, officer, clerk, agent or other person shall interfere with, or attempt to interfere with an elector when marking his ballot-paper, or otherwise attempt to obtain at the polling station information as to the candidate for whom any elector at such polling station is about to vote or has voted.

Ballot-paper not to be displayed.

**265.** No elector shall, except in the case provided for in section 231, show his ballot-paper, when marked, to any person so as to allow the name of the candidate for whom he votes to be known.

**266.** No person shall, directly or indirectly, induce or endeavor to induce any elector to show his ballot after he has marked it so as to make known to any person the name of the candidate for or against whom he has so voted. Inducing voter to display ballot-paper.

**267.** No candidate, officer, clerk, agent or other person shall communicate, at any time, to any person, any information obtained at a polling station as to the candidate for whom any elector at such polling station is about to vote or has voted. Information as to voting.

**268.** Every candidate, officer, clerk, agent or representative of a candidate, in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting. Secrecy during poll.

**269.** Every one who infringes any of the provisions of sections 263 to 268 shall be guilty of an offence triable summarily and be liable to a fine of not more than one hundred dollars, and to imprisonment for any term of not more than three months, with or without hard labour, in default of payment. Penalty.

**270.** No person, who has voted at an election, shall, in the course of any election contestation, be required to state for whom he voted. Secrecy of vote protected.

**271.** The clerk of the municipality shall deliver, on application and on payment of a fee of ten cents per hundred words, certified copies of all poll-books, reports, returns or other documents in his possession concerning any election, except ballot-papers. Clerk to deliver copies of papers, etc.

Each copy so certified shall be *prima facie* proof before every judge and tribunal in the Province. Copies prima facie proof.

**272.** No person shall be allowed to inspect any ballot-paper in the custody of the clerk of the municipality, except under an order of the Superior Court or a judge thereof, which order may be granted by such court or judge on being satisfied by evidence on oath that the inspection or production of such ballot-papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot-papers, or for the purpose of an election contestation. The court or the judge making such order may subject it to the conditions it or he thinks expedient as to the time, place and mode of inspection of ballot-papers, and the clerk of the municipality shall comply therewith. Inspection of ballot-papers in custody of clerk.

§ 11.—*Keeping the Peace and Good Order at Elections*

Conservators of the peace, etc.

**273.** The returning-officer and each deputy returning-officer, from the time he takes the oath of office until the day after the closing of the election, shall be a conservator of the peace in the municipality, invested with all the powers of a justice of the peace.

May require aid and swear in constables.

**274.** The returning-officer or any deputy returning-officer may require the assistance of justices of the peace, constables, or other persons present, to aid him in maintaining peace and good order at such election; and may also, on a requisition made to him in writing by any candidate, or by any two electors, swear in such special constables as he deems necessary.

Arrest of offenders.

**275.** The returning-officer or any deputy returning-officer may arrest or cause by verbal order to be arrested, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the poll.

Carrying arms forbidden, etc.

**276.** The returning-officer or any deputy returning-officer may, during the nomination day and polling day, require any person, within half a mile of the place of nomination or of the polling station, to deliver to him any firearm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person; and every person who refuses to deliver such weapon shall be guilty of an offence summarily triable, and be liable to a penalty of not more than one hundred dollars, and, in default of payment of such penalty, to imprisonment for not more than three months.

Fine.

Strangers not to enter polling districts armed.

**277.** Except the returning-officer, the deputy returning-officer, the poll-clerk and the constables and special constables appointed by the returning-officer or the deputy returning-officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person, who has not had a stated residence in the ward where the polling is held for at least six months next before the day of such election, shall come, during any part of the day upon which the poll is to remain open, into such ward armed with offensive weapons of any kind such as fire-arms, swords, staves, bludgeons or the like; and no person being in such ward shall arm himself, during any part of the day,

with any such offensive weapon, and thus armed approach within one mile of the place where a poll is held, unless called upon to do so by lawful authority.

**278.** No person shall furnish or supply any ensign, Flags, etc., not to be furnished or carried. standard or distinctive colours, or any flag, to or for any person, with intent that it shall be carried or used in such municipality, at any time between the nomination day inclusively and the closing of the polling, as a party flag to distinguish the bearer thereof and those who follow it as the supporters of any candidate, or of the opinions entertained, or supposed to be entertained, by such candidate; and no person shall, for any reason, carry or use any such ensign, standard, distinctive colours or flag, as a party flag, within such municipality, at any time between the nomination day inclusively and the closing of the polling.

**279.** No person shall furnish or supply any ribbon, Ribbons or favors not to be furnished or worn. label or like favour, to or for any person, with intent that it be worn or used within such municipality, at any time between the nomination day inclusively and the closing of the polling, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the opinions entertained, or supposed to be entertained by such candidate; and no person shall use or wear any ribbon, label, or other favour, as such badge, within such municipality, at any time between the nomination day inclusively and the closing of the polling.

**280.** Every one who offends against any of the provisions of sections 277, 278 and 279, shall be guilty of an offence triable summarily, and be liable to a fine of not more than one hundred dollars, and, failing payment thereof, to imprisonment for not more than three months. Punishment for contravention.

**281.** No person shall keep open any tavern, shop or Taverns, etc., to be closed. store, in which alcoholic liquor is ordinarily sold, during the day of voting in the wards of the municipality in which the polls are situated, and any person so offending shall be guilty of an offence triable summarily and shall be liable to a fine of fifty dollars, and, failing payment thereof, to imprisonment for not more than three months.

**282.** On the polling day, no person shall, within the limits of a ward in which a poll is open, either sell for a price in money or in exchange for any article, or lend or deliver, or Liquor not to be supplied during certain days. gratuitously supply any quantity whatever of alcoholic

liquor; and any person who so sells, lends, delivers or supplies such liquor, shall, unless he prove that the liquor so sold, lent, delivered or supplied was sold, lent, delivered or supplied for a sick person upon the certificate of a priest or minister of some religious denomination, or of a physician, be guilty of an offence triable summarily, and be liable to a fine of fifty dollars, and failing payment, to imprisonment for not more than three months; and whoever shall give or deliver a false certificate in respect thereof shall be guilty of an offence summarily triable, and shall be liable to a fine of fifty dollars, and, failing payment, to imprisonment for not more than one month.

Exception.

Penalty for false certificate.

Liquor not to be brought into wards where election is held.

Exception for merchants.

Proviso.

Certain places not to be used as committee rooms.

**283.** During the days mentioned in section 282, and under the same penalties, but subject to the same exceptions in case of sickness, it is forbidden to cause to be brought or transported, or to bring or transport, within the limits of the ward in which polls are open, or from one place to another within the said limits, any quantity whatever of alcoholic liquor.

This provision shall not affect the sale, transport, delivery or purchase of alcoholic liquor, made in good faith and in the ordinary course of business by a merchant or trader; provided that the cases, casks, bottles or envelopes containing the said liquor be not opened, broken or unclosed during the days above mentioned.

**284.** No person shall lease or let, as a place of assembly for an election committee or election meeting, any house, part of a house or place in which alcoholic liquor is retailed, or in which food or drink is ordinarily supplied for payment, or make use of any such house, part of a house or place for that purpose, under penalty of being guilty of an offence triable summarily, and of being liable to a fine of not more than fifty dollars, and, failing payment, to imprisonment for not more than one month.

**285.** The words "alcoholic liquor" in this act shall have the meaning given to them by the Alcoholic Liquor Act.

### § 12.—*Corrupt Practices and other illegal acts*

Bribery:

Gift, loan, valuable

**286.** The following persons shall be guilty of bribery in contravention of this act, and shall be punishable accordingly:

1. Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to

give or lend, or offers or promises, any money or valuable consideration, or promises to procure or to endeavour to procure, any money or valuable consideration, to or for any elector, or to or for any person on behalf of any elector, or to or for any person, in order to induce any elector to vote, or refrain from voting,—or corruptly does any such act on account of such elector having voted or refrained from voting at any election;

2. Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment, to or for any elector, or to or for any other person, in order to induce such elector to vote, or to refrain from voting,—or corruptly does any such act, on account of any elector having voted or refrained from voting at any election;

3. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure the return of any candidate for the office of mayor or alderman, or the vote of any elector at any election;

4. Every person who, upon or in consequence of any such gift, loan, office, promise, procurement or agreement, procures or engages, or promises or endeavours to procure, either the return of any candidate for the office of mayor or alderman, or the vote of any elector at an election;

5. Every person who advances or delivers, or causes to be delivered any money to or for the use of any other person, with intent that such money or any part thereof shall be expended in bribery or corrupt practices at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery or corrupt practices at any election;

6. Every person, who, directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for his having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any employment, or the promise of any employment;

7. Every elector who, before or during any election,

consideration, etc., to induce to vote or refrain from voting;

Gift or promise of office, etc., with same view;

Or to promote an election;

Work at such election by reason of such acts;

Advance or payment of money to corrupt;

Demanding bribe of candidate or agent;

Receiving

money, etc., directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

Or after an election; 8. Every person who, after an election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at any election;

Bribery of candidates; 9. Every person who, to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure, or offers or promises to procure, or endeavours to procure any office, place or employment for such person or any other person;

Betting; 10. Any candidate or his agent who makes any bet or wager concerning or in relation to any election, with a qualified elector, as also such elector and any other person who furnishes money for such purposes.

Penalty. Every person so offending shall be guilty of an offence triable summarily, and be liable to imprisonment for not more than six months, and also to a fine of two hundred dollars payable, with costs, to any person who sues therefor.

Lawful expenses. **287.** Nevertheless, the expenses actually incurred by a candidate, his expenses for professional services actually rendered to him, and *bona fide* payments for the fair costs of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be an infringement of this act.

Penalty on candidate furnishing drink, etc., to an elector. **288.** Every candidate or other person who, at an election, either provides or furnishes drink, or other refreshments at the expense of such candidate, to an elector during such election, or pays for, or procures or engages to pay for any such drink or other refreshment, shall be guilty of an offence triable summarily and liable to a penalty of not more than one hundred dollars, and, failing payment, to imprisonment for not more than three months.

Treating by candidate, etc. **289.** Every candidate who corruptly, by himself or by or with any other person, or by any other ways or means on his behalf or in his interest, at any time, either before or during any election, directly or indirectly, gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any

expenses incurred for, any food, drink or refreshments to or for any person, in order to be elected or for having been elected, or for the purpose of corruptly influencing such person, or any other person to give or refrain from giving his vote at such election, shall be guilty of the offence of "treating," and shall be liable to a fine of two hundred dollars payable to any person who sues therefor, with costs, in addition to any other penalty to which he is liable therefor under any other provision of this act; and, on the trial of an election petition, there shall be struck off from the number of votes given for such candidate one vote for every person who has voted and is proved on such trial to have corruptly accepted or taken any such food, drink or refreshment. Penalty. Striking of votes.

**290.** Every elector who, with a corrupt motive, accepts or takes any such food, drink or refreshments, shall be also guilty of the offence of "treating", and liable to a fine of not more than fifty dollars nor less than ten dollars, and to imprisonment for three months in default of payment. Penalty on elector accepting drinks, etc.

**291.** The giving or causing to be given to any elector, on the nomination day or polling day, on account of such elector having voted or being about to vote, any food, drink or refreshments, or any money or ticket to enable such elector to procure meat, drink or refreshments, shall be deemed an unlawful act; and the person so offending shall be liable to a fine of ten dollars for each offence payable to any person who sues therefor, with costs. Treating elector by any person on nomination or polling day. Penalty.

**292.** Every one who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens the infliction, by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election,—or who, by abduction, duress or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any elector, or thereby compels, induces or prevails upon any elector either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of "undue influence", and shall, in addition to any other penalty thereby incurred, be liable to a fine of two hundred dollars payable to any person who sues therefor, with costs. Threats and undue influence. Penalty.

Conveyance  
of electors.

**293.** The hiring or promising to pay or paying for the use of any horse, carriage, or other vehicle, by any candidate or by any person on his behalf, to convey any elector to or from the poll, or to or from the neighbourhood thereof, at any election, or the payment, by any candidate or by any person on his behalf, of the travelling and other expenses of any elector, in going to or returning from any election, are unlawful acts; and every candidate or other person so offending shall be liable to a fine of one hundred dollars payable to any person who sues therefor; and any elector hiring any horse, waggon, or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying any elector to or from any polling station, shall, *ipso facto*, be disqualified from voting at such election, and shall, for every such offence, be liable to a fine of one hundred dollars payable to any person who sues therefor.

Penalty.

Personation.

**294.** Every person who at an election:—

1. applies for a ballot-paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person; or
2. having voted once at any such election, applies at the same election for a ballot-paper in his own name,—

Penalty.

shall be guilty of "personation", and liable to a penalty of not more than two hundred dollars nor less than fifty dollars, and to imprisonment for not more than two years nor less than three months.

Aiding personation.

**295.** Every person who aids, abets, counsels or procures the commission, by any person, of the offence of "personation," shall be liable to a fine of not more than two hundred dollars nor less than fifty dollars, and to imprisonment for not more than two years nor less than three months.

Subornation  
of perjury,  
etc.

**296.** Every candidate who corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavours to compel or to induce any person to personate any elector, or to take any false oath in any matter wherein an oath is required under that portion of this act relating to elections, shall, in addition to any other punishment, be liable to a fine of two hundred dollars payable to any person who sues therefor.

Penalty.

Voting, etc.  
when not  
qualified.

**297.** Every person who votes or induces or procures any person to vote at an election, knowing that he or such person is not entitled to vote thereat, shall be guilty of an

unlawful act, and liable to a fine of one hundred dollars Penalty.  
 payable to any person who sues therefor, with costs; and in  
 any suit for the recovery of the penalty, the burden of  
 proof as to the right of such person to vote at the election Burden of  
 shall be upon the accused and not upon the person suing. proof.

**298.** Any person who, before or during an election, Penalty on  
 knowingly publishes a false statement of the withdrawal persons  
 of a candidate at such election, for the purpose of promot- publishing  
 ing or procuring the election of another candidate, shall be false rumour  
 guilty of an unlawful act and shall also be liable to a fine of as to resigna-  
 one hundred dollars payable to any person who sues there- tion of  
 for, with costs. candidate.

**299.** No candidate shall be liable for any unlawful act Responsi-  
 under sections 297 and 298, when committed by a third bility of  
 party without his authority. candidate.

**300.** Any wilful offence against any one of sections Certain  
 286 to 289, and 291 to 298 shall be a corrupt practice offences  
 within the meaning of that portion of this act relating to corrupt  
 elections. practices.

**301.** Every executory contract or promise or under- Contracts or  
 taking, in any way referring to, arising out of or depending promises re-  
 upon any election under this act, even for the payment lating to  
 of lawful expenses, or the doing of some lawful act, shall be election  
 void in law. void.

**302.** If, on the trial of an election contestation, claim- Votes to be  
 ing the seat for any person, a candidate be proved to have struck off  
 been guilty, by himself or by any person on his behalf, of candidate  
 bribery, treating, or undue influence with respect to any for bribery,  
 person who voted at such election, or if any person retained etc., in  
 or employed for reward, by or on behalf of any candidate certain  
 for all or any of the purposes of such election, as agent, cases.  
 clerk or messenger, or in any other employment, is proved  
 on such trial to have voted at such election, there shall,  
 on the trial of such election contestation, be struck off  
 from the number of votes appearing to have been given to  
 the candidate in question, one vote for every person who  
 voted at such election, and who is proved to have been  
 so bribed, treated or unduly influenced, or so retained or  
 employed for reward as aforesaid.

**303.** If it be found by the judgment of any court, Corrupt  
 judge or other tribunal for the trial of election contesta- practice by  
 tions, that any corrupt practice has been committed by a candidate or

his agent to void election. candidate at an election, or by an agent, whether with or without the consent of such candidate, the election of such candidate, if he has been elected, shall be void.

Effect of employing a disqualified canvasser at any election. **304.** If, on the trial of an election contestation, a candidate be proved to have personally engaged any person at the election to which such contestation relates, as a canvasser or agent in relation to the election, knowing that such person so engaged has, within three years previous to such engagement, been found guilty of any corrupt practice as defined by this act, by any competent court, or by the judgment of any judge or court for the trial of election contestations, the election of such candidate, if he has been elected, shall be void.

Effect of corrupt practices and illegal acts at previous elections. **305.** The provisions of sections 302, 303 and 304, shall not,—except as to the personal acts of the candidates and acts done with the consent of such candidates,—apply to any case by reason of any acts done at any election other than the election to which the contestation relates.

Effect of corrupt practices by a candidate. **306.** If, on the trial of an election contestation, it be proved that any corrupt practice has been committed by or with the actual knowledge and consent of a candidate at an election, or if he be convicted before any competent court of bribery or undue influence, he shall be held guilty of corrupt practices, and his election, if he has been elected, shall be void; and he shall, during the three years next after the date of his being so proved or found guilty, be incapable of being elected to or of sitting as a member of the municipal council, or of voting at any election of a member of the municipal council or of filling any office in the appointment of the council.

Election not to be annulled nor candidate disqualified in certain cases. **307.** If, on the trial of an election contestation, the court decides that a candidate at such election was guilty, by an agent, of any offence that would render his election void, and the court further finds:

1. that no corrupt practice was committed at such election by the candidate personally, and that the offences mentioned were committed contrary to the order and without the sanction or connivance of such candidate;
2. that such candidate took all reasonable means for preventing the commission of corrupt practices at such election;
3. that the offences mentioned were of a trivial, unimportant and limited character;

4. that in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of such candidate and of his agents,—then the election of such candidate shall not, by reason of the offences mentioned, be void, nor shall the candidate be subject to any incapacity therefor.

**308.** If, on the trial of an election contestation, a candidate or other person be found, by the judgment of the court, by himself or his agents with his actual knowledge and consent, to have aided, abetted, counselled or procured the commission at such election of the offence of personation by any person, his election, if he has been elected, shall be declared null and void; and such candidate or such other person shall be incapable of being elected or sitting in the municipal council during the three following years. Disqualification of candidate guilty of inducing personation.

**309.** Every person, other than a candidate, found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the three years next after the time when he is found guilty, be incapable of being elected to and of sitting in the municipal council, and of voting at any election of a member of that council, and of holding any office in the nomination of such council. Disqualification of persons other than candidates, for corrupt practices.

**310.** If, after a person has become disqualified under that portion of this act relating to elections, the witnesses, or any of them on whose testimony such person has become disqualified, are convicted of perjury with respect to such testimony, such person may apply to the court, before which such conviction took place, to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall thenceforth cease and be terminated; and such person shall be restored to the enjoyment of his rights. Removal of disqualification procured by perjury.

### § 13.—Civil and Penal Procedure

**311.** All penalties and forfeitures imposed by any of the provisions of this act relating to elections (except in case of offences punishable summarily) shall be recoverable, with costs, by any person who sues therefor by action of debt, in any court of competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender, if there be no imprisonment prescribed for his offence by the provisions of this act, or of the charter, How certain penalties may be recovered. Imprisonment in de-

fault of pay- shall be imprisoned in the common gaol of the district for any  
 ment in un- term less than two years, unless such penalty and costs are  
 provided sooner paid.  
 cases.

Affidavit to No such prosecution shall be instituted, however, unless,  
 be produced with the *præcipe* or demand of summons, there be produced  
 with an affidavit of the plaintiff, drawn up in accordance with  
*præcipe*. form EE.

Prosecutor to furnish security for costs. The defendant in any such prosecution may, before  
 pleading, have all proceedings thereon stayed, until the  
 party prosecuting furnishes such security as may be deemed  
 necessary, in the discretion of the court or judge, or deposits  
 with the clerk of the court such sum of money as shall be  
 fixed by the court or judge to pay the costs to be incurred  
 in such suit.

Proceedings if infringement summarily triable. **312.** When an infringement of any provision of this  
 act relating to elections is summarily punishable, the prose-  
 cution may be instituted and judgment obtained by any  
 person making the complaint before a judge of the sessions  
 of the peace, district magistrate or sheriff having jurisdic-  
 tion and exercising his functions in the district within which  
 the offence was committed.

Provisions applicable. Saving special provisions, the procedure to be followed in  
 such cases shall be that prescribed by the Quebec Summary  
 Convictions Act, but there shall be no appeal from the  
 decision given.

Summary proceedings in case of personation. **313.** 1. If a person be charged at a polling station with  
 having committed the offence of personation, the deputy  
 returning-officer at such polling station may, and, if re-  
 quested to so do on behalf of a candidate, shall, take the  
 information on oath of the person making the charge; and  
 such information may be in the form FF.

Information. 2. If the person against whom it is proposed to lay the  
 information has not left the polling station, the deputy re-  
 turning-officer may, either on his own motion or at the re-  
 quest of any one proposing forthwith to lay an information  
 against such person, detain or direct the detention of such  
 person until an information can be drawn up.

Detention of alleged personator. 3. Upon receiving the information, the deputy returning-  
 officer, may, on the polling day, but not afterwards, issue  
 his warrant, in the form GG, for the arrest of the person  
 charged, in order that he may be brought before the ma-  
 gistrate or one of the magistrates therein named, to answer  
 to the said information and to be further dealt with accord-  
 ing to law.

Warrant of arrest. 4. The magistrate or magistrates named in the warrant  
 shall be any judge of the sessions of the peace, district ma-  
 gistrates.

Jurisdiction of magistrates.

gistrate, police magistrate, recorder or other functionary or tribunal vested with the power of doing alone whatever should ordinarily be done by two or more justices of the peace and acting within their territorial jurisdiction, and the nearest available within the judicial district.

5. The provisions of the Quebec Summary Convictions Act shall apply to all proceedings under this section. Provisions applicable.

6. Such warrant shall be sufficient authority for any peace officer (as defined by the Criminal Code) to detain such person until he is brought before a magistrate. Execution of warrant.

7. If the correct name of the person charged be unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is to the informant unknown, but who is detained under the order of the deputy returning-officer; or the person charged may be described in such other manner as will sufficiently identify him; and when the name of the person so charged is ascertained, it shall be stated in any subsequent warrant or proceeding. If name of alleged personator is unknown.

8. Every poll-clerk shall have the authority of a constable for the purpose of carrying out the provisions of this section; and every deputy returning-officer may appoint such special constables as he deems necessary for the like purpose; and such person shall have full power to act without taking any oath. Constables.

**314.** It shall be sufficient for the plaintiff, in any action under this subdivision, to allege in his declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence with respect to which the action is brought, and that the defendant has acted contrary to this act. What allegation necessary in suits for penalties.

**315.** In any prosecution or in any civil action or proceeding, the parties thereto shall be competent and may be compelled to give evidence to the same extent and subject to the same exceptions as any other witness in any other civil suit; but such evidence shall not thereafter be used in any accusation or proceeding against the person giving it under the portion of this act relating to elections. Parties competent witnesses and may be compelled to testify. Proviso.

**316.** No person shall be excused from answering any question put to him in any prosecution or in any civil action or other civil proceeding, in any court, or before any judge or magistrate, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, except that no elector shall be obliged to state for whom he voted at any election; but no answer given by any person claiming to be excused on the No privilege allowed as to answering questions in election proceedings.

ground of privilege shall be used against such person in any prosecution or in any civil action or other civil proceeding taken against him under the portion of this act relating to elections, if the court, judge, or magistrate gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the court, judge, or magistrate.

Costs.

**317.** Unless, for special reasons, the court, judge or magistrate thinks fit to order otherwise, the party failing in any such prosecution, action or proceeding shall bear the costs thereof, and, if such party be the defendant, the costs shall be payable over and above the penalty imposed.

Double costs.]

If, however, the prosecution, action or proceeding be abandoned or dismissed, and the court, judge or magistrate be of opinion that the same was maliciously brought for the purpose of annoying the defendant, and without a reasonable knowledge of the facts alleged, the court, judge or magistrate may, on dismissing the same, condemn the plaintiff to pay double costs to the other party.

Allegation and evidence of corrupt practices.

**318.** In any prosecution, action or proceeding for a corrupt practice, it shall be sufficient to allege that the defendant was, at the election at or in connection with which the prosecutor or complainant intends to allege the corrupt practice to have been committed, guilty of a corrupt practice describing it by the name given to it by this act, or otherwise, as the case requires; and, in any prosecution, action or proceeding in relation to such offence, the certificate of the returning-officer shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat.

Summons by court to person who is liable to penalty.

**319.** 1. Whenever it appears to the court or judge trying an election contestation, that any person has violated any of the provisions of this act respecting elections, such court or judge may order that such person shall be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge.

Disobeying summons.

2. If, on the day so fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election contestation, to pay such fine as he is liable to pay for such violation, and in default of paying such fine, to the imprisonment prescribed.

Trial.

3. If, on the day so fixed, the person summoned does appear, the court or judge, after hearing such person and such evidence as is adduced, shall give judgment according to law and justice.

4. All fines recovered under this section shall belong to the municipality. Application of fines.

5. No fine shall be imposed under this section if it appears to the court or judge that the person has already been sued to judgment and sentenced or acquitted with respect to the same offence; nor shall any such fine be imposed for any offence proved only by the evidence or admission of the person committing it. No fine in certain cases.

**320.** Every action or prosecution brought in virtue of that portion of this act relating to elections, shall be instituted within three months next after the public notice of the election of the candidate, for offences committed up to that date, and within twelve months from their commission in the case of subsequent offences, and not later, unless the defendant has, by absconding, withdrawn himself from the jurisdiction of the court. Prescription.

Such action or prosecution, once begun, shall be continued and prosecuted without wilful delays, and shall have precedence. Continuation of proceedings.

**321.** In the event of suspension or delay at any stage of the proceedings, the judge or court seized of the cause may permit one or more persons to intervene and carry on such proceedings to judgment and execution; and, in that case, the penalty and costs shall belong to the intervening party, who shall cause the same to be levied. Intervention of third parties.

#### § 14.—*Election Fees and Expenses.*

**322.** The municipal council may make tariffs of the fees, costs and expenses to be paid to election officers. Tariff of fees, etc.

#### § 15.—*Miscellaneous*

**323.** No election shall be declared invalid by reason of non-compliance with the provisions of this act as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the person signing a nomination paper received by the returning-officer, or on account of any mistake in the use of the forms contained in this act, if it appears to the tribunal having cognizance of the question, that the election was conducted in accordance with the principles laid down in this act, and that such non-compliance or mistake did not affect the result of the election. Mistakes of form etc., not to void election.

**324.** No election shall be declared invalid by reason As to limits of time.

of non-compliance with the provisions of this act as to delays fixed by it, unless it appears to the tribunal that such non-compliance may have affected the result of the election.

#### DIVISION VIII

##### CONTROVERTED ELECTIONS

Form of proceedings on contestation.

**325.** Any person, qualified to vote at the election of mayor or alderman, may present to a judge of the Superior Court, or to the Circuit Court of the district, or to the county Circuit Court, in the district or county wherein the municipality or ward in which the election was held is wholly or partly situated, or to the Magistrate's Court, sitting in term or in vacation, a petition, complaining of the election and return of any person as mayor or alderman, at whose election he had a right to vote, and praying either for the annulment of such election and that a new election be ordered, or for the annulment of the election and for a judgment declaring him or some other person to be duly elected in the place and stead of the person returned.

Grounds of petition.

Such petition may be based upon all or any of the following grounds:

1. That the essential formalities were not observed at the election;
2. That the person returned did not receive the majority of legal votes at such election;
3. That he was not qualified to be elected as such mayor or alderman, as the case may be;
4. That he was guilty of corrupt practices prohibited by this act, either personally, or by an agent, with or without his authority, knowledge or sanction.

Contents of petition.

**326.** Such petition shall set forth in a succinct manner, the time, place and circumstances of any act, matter or thing, material to the conclusions of such petition; and the allegations thereof shall be supported by affidavit to the satisfaction of the judge, who shall thereupon cause a writ to be issued, summoning the person returned as being elected to appear on a day named therein to answer the said petition.

Delay to receive petition.

No such petition shall be received after the expiry of thirty days from the polling day for such election or, if no poll was held, after the expiry of thirty days from the day of nomination.

Security for costs.

**327.** Upon the return day of such writ or within three days thereafter, the contestant shall give security for costs, after notice to the defendant, in the form in which such security is ordinarily given before the Superior Court.

The sureties offered shall justify on oath as to their sufficiency to the extent of five hundred dollars. Justification by sureties.

They shall also be bound to answer before the judge in chambers all pertinent questions put to them by the defendant. Sureties may be examined by judge.

**328.** Upon security being given, the case shall be proceeded with and disposed of, in a summary manner, and, as far as practicable, as well with regard to the merits as to all matters incidental thereto, it shall be subject to the rules of procedure prescribed by section two of chapter forty of the Code of Civil Procedure, articles 987 to 991. Case to be proceeded with summarily.

If, upon the issues, it be necessary to count, or to examine, or otherwise to deal with the ballot-papers used at the election, or to examine or deal with the poll-books or other documents connected therewith, or to summon the persons who have conducted the election or acted therein in any manner whatever, the court or judge shall, for such purposes, or any of them, have all the jurisdiction, power and authority vested in the court or any judge thereof in similar matters by the Quebec Controverted Elections' Act. Power of courts, if ballots, etc., to be examined.

When any election under this act is contested and the seat is not claimed for any candidate in or by any petition presented in accordance with this act, no recriminatory allegation or evidence shall be allowed on behalf of the defendant. Recriminatory allegations and evidence in certain cases.

No election shall be contested in any other manner, or by any other procedure, than in the manner herein before provided. No other manner of contestation.

**329.** The judgment rendered on a petition under this division shall be subject to appeal before the Court of Appeal composed of three judges. The case shall there be heard as a privileged case and shall have precedence over other cases. The judgment of the Court of Appeal shall be final. Appeal.

**330.** The petitioner shall cause the judgment upon the petition to be served upon the corporation, by leaving an authentic copy thereof with the clerk. Service of judgment.

If, by such judgment, the election of the defendant be set aside and some other candidate declared duly elected, the latter shall be recognized by the council; but if such judgment merely annuls the election without granting the office to another person, the defendant's seat shall be dealt with as vacant, and proceedings for a new election to fill such vacancy shall be forthwith taken. Proceedings thereafter.

## DIVISION IX

## ELECTION OF MAYOR BY THE COUNCIL

Proceedings  
by council  
to elect  
mayor.

**331.** When it is declared in a by-law of the municipal council that the mayor is to be elected by the council instead of by the electors, the aldermen present at the first sitting following every general election, if they constitute a quorum, shall elect as mayor of the municipality one of the aldermen qualified to fill such office.

Notice to  
person  
elected.

**332.** The clerk shall, as soon as the mayor is elected, give notice to the person elected, if such person was not present at the meeting.

Filling of va-  
cancy  
caused by  
such  
election.

**333.** The vacancy in the office of alderman caused by the election of the mayor shall be filled in the same manner as any other vacancy in the office of alderman.

## DIVISION X

## SITTINGS OF THE COUNCIL

Where sit-  
tings are  
held.

**334.** The council shall sit at the place designated in the charter for the first sitting, or, if the charter does not designate it, at the place designated by the Minister of Municipal Affairs, until another place within the municipality is fixed by resolution of the council, and the council may, in like manner, change the same whenever it thinks fit.

When meet-  
ings of coun-  
cil are held.

**335.** The council shall meet at least once a month, in general or ordinary session, to despatch the business of the municipality and shall hold its sittings on the days and at the hours which it determines by by-law.

Notice to  
members.

Notice of every general or ordinary sitting shall be sent to the members of the council in the manner hereinafter prescribed for special sittings.

Holidays.

**336.** If the day fixed for an ordinary sitting fall upon a holiday, such sitting shall be held on the next following juridical day.

Quorum.

**337.** The majority of the members of the council shall constitute a quorum for the transaction of business, except as otherwise specially provided by this act. The mayor is considered as a member of the council for the purposes of a quorum.

**338.** The sittings of the council shall be public; but, <sup>Sittings</sup> on a vote of the majority of the aldermen present, a sitting <sup>public.</sup> with closed doors may be ordered. Exception.

**339.** The mayor may call a special sitting of the <sup>Special</sup> council when he deems proper. Such sitting may be <sup>meetings</sup> called upon verbal or written intimation from the mayor <sup>called by</sup> to the clerk of the municipality, who thereupon shall issue a notice of meeting summarily specifying the business <sup>Notice</sup> to be transacted at such sitting, and shall cause a copy <sup>thereof.</sup> of such notice to be served or sent by registered mail to every member, at his domicile or place of business, at least two days prior to such sitting; and the mailing of a registered notice two clear days before such sitting, shall be deemed equivalent to service of such notice.

**340.** In case the mayor refuses to call a special sitting <sup>Upon refusal</sup> when deemed necessary by at least three members of the <sup>of mayor,</sup> council, such members may, by a requisition to the clerk <sup>meeting may</sup> of the municipality, duly signed by them, order the sit- <sup>be called by</sup> ting to be called; and upon such requisition the clerk of <sup>three mem-</sup> the municipality shall issue a notice to the members in <sup>bers.</sup> the manner mentioned in section 339, provided such re- quisition specifies the business for which the sitting is called.

**341.** At such special sittings, no business but that <sup>Business to</sup> specified in the notice shall be considered or disposed of. <sup>be consi-</sup>

**342.** If, at any special or general sitting, the business <sup>Adjourned</sup> cannot be fully disposed of, the council may adjourn as <sup>meetings.</sup> often as may be deemed necessary for the consideration and disposal of the unfinished business, without its being neces- sary to give notice of such adjournment to the members present or absent; but no new business shall be brought or considered upon any such adjournment, unless all the members of the council are present and consent.

**343.** If there be no quorum, two members of the <sup>Adjourn-</sup> council, half an hour after it being established that there <sup>ment if no</sup> is no quorum, may adjourn a meeting to a later date. <sup>quorum.</sup>

Special notice of such adjournment must be given by the <sup>Notice of</sup> clerk to all members of the council who were not present <sup>same.</sup> at such adjournment.

The hour of the adjournment, the names of the members <sup>Entry in</sup> of the council who were present, and the day and hour to <sup>minute-</sup> which such meeting was adjourned, shall be entered in the <sup>book.</sup> minute-book of the council.

**Who pre-** **344.** The mayor shall preside over all sittings of the  
**sides.** council, and shall have the casting vote in case of a tie, but shall not otherwise vote. Should the mayor and acting-mayor be absent from any sitting, the council shall choose another of its members to preside.

**Vote of act-** The acting-mayor or any member presiding over a sitting  
**ing-mayor,** of the council, shall have the right to vote, and may also  
**etc.** give the casting vote in addition thereto.

**Majority to** **345.** At sittings of the council, the majority of the  
**decide ques-** members present shall decide the questions and matters  
**tions.** submitted thereto, except where a larger number of concur-  
**Exception.** rent votes may be required by the rules of the council or by law.

**Member in-** **346.** No member of the council shall take part in the  
**terested.** discussion of any question in which he has a personal interest.

**Decision of** The council, in case of dispute, shall decide whether the  
**council** member has a personal interest in the question, and such  
**thereon.** member shall not vote on the question of his interest.

**Restriction.** This section shall not apply to the appointing of committees.

**Rules for in-** **347.** The council may make and enforce rules and  
**ternal gov-** regulations for its internal government, and for the main-  
**ernment.** tenance of order during its sittings.

**Main-** **348.** The mayor shall maintain order and decorum  
**tenance of** during the sittings of the council. He may arrest or cause  
**order and** to be arrested any one who may disturb the council during  
**decorum.** any sitting thereof and have him placed in custody; and such person shall, for every such offence, incur a fine of not more than twenty dollars.

**Minutes of** **349.** The minutes of the sittings of council shall be  
**proceedings.** drawn up and entered in a book to be kept for that purpose by the clerk of the municipality, and after being read and confirmed at the following sitting, shall be signed by the said clerk and by the mayor or the member who presides over such sitting, and they shall be open to the inspection of all ratepayers who wish to examine them.

#### DIVISION XI

#### MUNICIPAL NOTICES

**Notices.** **350.** Except when otherwise provided, every notice given under the provisions of this act or by order of the

council, for municipal purposes, shall be drawn up, and published and served, in accordance with the formalities prescribed in the following sections.

**351.** Every notice shall be either special or public, and shall be in writing. Special and public notices.

Public notices shall be published; special notices shall be served

Public notices must be drawn up in French and in English.

**352.** Every copy of a notice which must be served, published or posted up, shall be attested either by the person who gives such notice, or by the clerk of the council. Copy, by whom certified.

**353.** The original of every notice shall be accompanied by a certificate of publication or of service, made by the person publishing or serving the same. Certificate of publication or service. Fyling.

The original of such notice and the certificate which accompanies it, shall be fyled in the office of the council, by the person who has given the notice, to form part of the municipal archives.

**354.** Except in cases where the service is given by mail, the service of a special notice shall be made by leaving a copy of the notice with the person to whom it is addressed, in person, or with a reasonable person at his domicile or place of business, even when occupied by him in partnership with some other person. Special notice, how served.

**355.** Every owner of land or tax-payer, domiciled outside the limits of a municipality, may, by a special notice fyled in the office of the council, appoint an agent to represent him for purposes connected with the service of municipal notices. Agent of absent tax-payer.

**356.** The special notice addressed to an absent property-owner or tax-payer, who has appointed an agent residing in the municipality, must be served on such agent, in the same manner as on a resident owner. Notice served on agent.

If no agent resident in the municipality has been appointed, the notice shall be served by lodging, in the post office of the locality, a copy thereof in a sealed and registered envelope addressed to the absent property-owner or tax-payer. In default of agent.

**357.** Unless such property-owner has made known his address in writing by fyling the same in the office of the council, no one need give a special notice to any absent property-owner who has not appointed an agent. Absentee without agent or address.

When to be served. **358.** Special notices cannot be served, except upon juridical days between the hours of seven in the morning and seven in the afternoon.

How served in certain cases. **359.** If the doors of the domicile or place of business, where service of a special notice should be made, are closed, or if there is no reasonable person therein, service shall be effected by fixing a copy of the notice on one of the doors of the domicile or place of business.

Intermediate delay. **360.** The intermediate delay after special notice shall run from the day on which such notice was served, exclusive of such day.

Publication of public notices at places fixed by council. **361.** The publication of a public notice for municipal purposes, shall be made by posting up a copy of such notice, at two different places in the municipality, fixed by resolution of the council.

If no places have been fixed. In default of places fixed by the council, the public notice shall be posted upon or near the principal door of at least one place of public worship, if there be any, and at another place of public resort in this municipality, and at two other places of public resort, if there be no place of public worship.

Publication by notice in newspapers. **362.** The council may, nevertheless, order by resolution that the publication of the public notice may be effected by the insertion of the notice as many times as it may determine, in one or more French newspapers, and in one or more English newspapers, published or circulating in the municipality; and after such resolution the posting up of public notices shall no longer be required.

Idem. **363.** No notice may be inserted in English and in French in a newspaper published in one of these languages only.

Computation of delay. **364.** Except in cases otherwise provided for, the delay which is to elapse after a public notice shall begin to run from the day on which such notice is published. If the notice is published in a newspaper, such delay shall run from the day of the first insertion of such notice in the newspaper. If it be published in several newspapers upon different days, such delay shall run from the day of the first insertion made in the newspaper which last published such notice.

In all cases the day on which the notice was published shall not count.

**365.** Public notices shall be applicable to and binding upon property-owners and taxpayers domiciled out of the municipality, in the same manner as upon those who are domiciled therein. Public notices as regards absentees.

**366.** Whosoever has acquiesced in the requirements of a notice, or who has, in any manner, become sufficiently acquainted with its tenor or object, cannot thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service. Acquiescence covers irregular notice.

## DIVISION XII

### POWERS OF THE COUNCIL

#### § 1.—*General Provisions*

**367.** The council shall have jurisdiction throughout the whole municipality, and beyond the limits thereof in special cases where authority is conferred upon it. Extent of jurisdiction of council.

**368.** The council, in the discharge of its functions, shall, in addition to the formalities required by law, fulfil all those prescribed by the by-laws in force in the municipality. Duties of council.

**369.** By-laws, resolutions and other municipal orders must be passed by the council in session. How by-laws, etc., are passed.

**370.** Any *procès-verbal*, roll, resolution or other order of the council, may be set aside by the Superior Court of the district in which the municipality is wholly or partly situated, by reason of illegality, in the same manner, within the same delay, and with the same effect as a by-law of the council, and shall be subject to the provisions of sections 382 and 410. Power of Superior Court to set aside *procès-verbal*, etc.

The special recourse granted by this section does not exclude nor affect the action to annul in cases where same may be brought under the provisions of article 50 of the Code of Civil Procedure. Where certain provisions applicable.

**371.** Except where otherwise provided, documents, orders or proceedings of a council, the publication of which is required by law or by the council, shall be published in the manner and at the place prescribed for public notices. Proceedings of council, how published.

**372.** Documents produced as exhibits, and filed in the office of the council or with its officers, shall be returned, upon their receipts, to the persons who produced the same, Exhibits.

whenever they require them; provided always that the question in relation to which they were produced has been decided.

Services upon council.

**373.** Every service, which should be made at the office of the council, may also be made with the same effect outside of such office, upon the clerk personally.

## § 2.—By-Laws of the Council

### 1.—Passing, coming into force and promulgation of by-laws

Notice, etc., upon presentation and adoption of by-laws.

**374.** The council may determine the notice to be given of the introduction of municipal by-laws, and order that such by-laws be read twice or three times before being passed, on different days or on the same day.

Signature of originals.

**375.** The original of a by-law, to be authentic, shall be signed by the officer presiding over the council at the time of the passing of such by-law, and by the clerk.

Certificate required.

If the by-law, before coming into force, had to have the approval of the municipal electors or of the Lieutenant-Governor in Council, a certificate under the signature of the mayor and clerk establishing the accomplishment of each of such facts, shall accompany the original of such by-law and form part thereof.

Book of by-laws.

**376.** The original of every by-law shall be registered at length in a special book entitled: "Book of the by-laws of the council of the city (or town) of \_\_\_\_\_"; and such entry shall be signed by the mayor and countersigned by the clerk.

Entry of certificate of publication.

The clerk shall, further, enter in such book, at the end of every by-law registered therein, a copy certified by himself of the notice of publication of such by-law.

Clerk custodian of by-laws.

**377.** The clerk shall be the custodian of the municipal by-laws.

Several subjects in by-law.

**378.** Several subjects may be included in the same by-law.

Approval thereof.

If the various subjects, to which the same by-law applies, require the approval of the municipal electors or of the Lieutenant-Governor in Council, or of both, one approval by the municipal electors or by the Lieutenant-Governor in Council, or by both, according to the requirement, shall be sufficient for the whole by-law.

**379.** Except where otherwise provided by law, the by-laws of the council shall come into effect and have the force of law, if not otherwise provided for therein, fifteen days after publication thereof. Coming into effect of by-laws.

**380.** By-laws, which, in virtue of their own provisions or those of this act, do not come into force until after a certain period, shall be published at least fifteen days before such period. Publication of certain by-laws.

**381.** By-laws shall be published after the passing thereof, or after their final approval where they have been submitted to the approval of the municipal electors, or of the Lieutenant-Governor in council, or to both, by a public notice under the signature of the mayor and clerk, published in the usual manner, in which mention shall be made of the object of the by-law, of the date on which it was passed, and of the place where communication thereof may be taken. How notice published.

If the by-law be approved of by the municipal electors, or by the Lieutenant-Governor in Council, or by both, the notice of publication shall also mention that each of such formalities has been observed, and the date upon which it was complied with. What to contain.

The council may, moreover, publish its by-laws in one or more newspapers. Newspapers.

**382.** By-laws shall be executory and remain in force until they are amended, repealed, disallowed or annulled by competent authority, or until the expiration of the period for which they have been made. How long to remain in force.

**383.** A by-law, which before coming into force and effect has been submitted for the approval of the municipal electors or of the Lieutenant-Governor in Council, or of both, cannot be amended or repealed except by another by-law approved in the same manner. Repeal, etc., of by-laws sanctioned by municipal electors, etc.

**384.** A by-law may be repealed or amended only by another by-law. Repeal etc., of by-laws.

**385.** By-laws passed by the council shall, when published, be deemed public laws within the municipality and outside of the same in so far as within the jurisdiction of the council, and it shall not be necessary to allege them specially. By-laws to be public laws within municipality.

**386.** A copy of any by-law, duly enacted, shall be received as evidence, provided that the same be signed and Copies of by-laws,

etc., to be  
evidence.

certified by the clerk of the municipality, and be sealed with the corporate seal of the municipality, without any proof being necessary of the validity of the corporate seal, or the signature of the said clerk—saving the right of any party attacking the by-law to proceed against the same by improbation.

II.—Penalties enacted by by-laws

Penalties  
which may  
be imposed  
by by-law.

**387.** The council may impose, by any by-law within its powers, for every infraction of a by-law, either a fine, with or without costs, or imprisonment; and if a fine, with or without costs, may provide for imprisonment in default of immediate payment of such fine with or without costs, as the case may be, but, except where otherwise provided, such fine shall not exceed forty dollars nor such imprisonment last more than two months; and where such imprisonment is ordered in default of payment of the fine or of the fine and costs, it shall cease on payment of the fine or of the fine and costs.

Continuous  
infraction.

If the infraction of a by-law continues, such continuation shall constitute a separate offence, day by day.

Costs.

The costs above mentioned shall include in all cases the costs connected with the execution of the judgment.

III.—Approval of by-laws by owners of immoveable property

Submission  
of by-laws  
to electors.

**388.** When a by-law of the council has to be approved by the electors who are owners of immoveable property, the proceedings at the voting, shall be those hereinafter prescribed.

Mayor to  
fix day for  
the poll.

**389.** The council or the mayor shall fix a day for the opening of the poll. Such day shall not be within twenty days nor later than forty days from the date of the passing of the by-law by the council.

Notice.

The clerk shall, at least fifteen days before the day fixed, give public notice calling upon the electors who are proprietors of immoveables to vote and indicating the days and place where the poll will be held. Such notice shall contain a copy of the by-law.

Poll by  
whom to be  
kept.

**390.** The poll shall be presided over by the mayor with the assistance of the clerk, and shall be held in the public municipal hall or any other place determined by the council. If the mayor refuse or be unable to act, the acting-mayor shall preside over the poll, and, failing the acting-mayor, the poll shall be presided over by an alderman chosen by the clerk.

**391.** The poll shall be held on two juridical days from eight o'clock in the morning to five o'clock in the afternoon.

Duration of voting.

**392.** If after the second day of the poll the number of votes required by section 577, 578 or 579, as the case may be, have not been recorded, the person presiding shall adjourn the voting to conclude it on the following day, if an application to that effect be made to him in writing by the mayor, by a councillor or by three property-owners who are municipal electors, before six o'clock in the afternoon of the same day.

Voting to be adjourned to next day, in certain case.

**393.** The mayor or other person presiding may absent himself during the voting, provided he be represented by a member of the council.

Presiding officer.

**394.** The electors shall vote by "yea" or "nay"; the word "yea" meaning that they approve of the by-law, and the word "nay" that they disapprove of it.

Voting.

The name of the elector and the vote given by him shall be entered in a poll-book, kept by the clerk.

Entry in poll-book.

**395.** No one shall be allowed to vote, unless his name appears on the valuation roll in force, or on the electoral list if there be one, as a municipal elector as being owner of immoveable property.

Right to vote.

In such election it shall not be necessary for such electors to have paid their school and municipal taxes.

Taxes need not be paid.

**396.** At the close of the poll, the mayor or person presiding shall count the "yeas" and "nays"; and, within the four following days, he shall submit to the council the result of the voting together with a statement of the value of the taxable immoveable property of each voter according to the valuation roll in force.

Addition of votes.

It shall be certified under the signatures of the mayor and clerk for the information of the council, whether the requisite majority in number and in value of taxable immoveable property approve or disapprove of such by-law.

Certificate respecting same.

If the council wishes to examine the poll-book and the valuation roll, they shall at once be submitted.

Examination of poll-book, etc.

**397.** Save where otherwise provided, every by-law, which has to be submitted to the electors who are owners of immoveable property, shall, in order to have effect, be approved by at least the majority, in number and in

Majority required to approve by-law.

value of immoveables, of the said electors who have voted.

Casting of  
vote of  
mayor.

**398.** When the votes are equally divided, the mayor, whether he has or has not presided at the voting, shall give his casting vote.

Poll-book,  
etc., to be  
deposited in  
archives.

**399.** The poll-book, and the statement and certificate of the mayor and of the clerk, shall be deposited among the archives of the council.

iv.—*Contestation and quashing of by-laws*

Annulling of  
by-laws.

**400.** Any municipal elector may, in his own name, by a petition presented to the Superior Court or to one of the judges thereof, demand and obtain, on the ground of illegality, the quashing of any by-law of the council, with costs against the municipality.

Partial an-  
nulment.

**401.** The annulment of part only of a by-law may be demanded and obtained in the same way.

Allegations  
of petition,  
etc.

**402.** The petition shall set forth, in a clear and precise manner, the reasons alleged in support of the demand, and shall be accompanied by a certified copy of the by-law impugned, if such copy could be obtained.

Copy of by-  
law to be  
annexed.

If such copy could not be obtained, the court or the judge, upon application to that effect, shall order the production thereof by the clerk of the council, and the clerk shall for

If copy can-  
not be pro-  
cured.

such purposes be deemed to be an officer of the court giving such order or to which the judge giving the order belongs.

Service of  
petition.

**403.** The petition shall be served at the office of the council, four days at least before it is presented to the court or to judge.

Security for  
costs.

**404.** Before the service of the petition, the petitioner shall give security for costs in the same manner as security in judicial proceedings is given, otherwise such petition shall not be received by the court.

Judge may  
allow  
answer in  
writing.

**405.** The court or judge may, if it or he deem expedient, allow the petition to be answered in writing.

Proceedings  
summary.

**406.** The court or the judge shall proceed in a summary manner to hear and decide such contestation.

Evidence.

The evidence may be taken orally or in writing, in whole or in part, as the court or judge orders.

**407.** The court or judge may, by the judgment, Judgment. quash such by-law, in whole or in part, order the service of such judgment at the office of the council interested, and cause the same to be published either in the manner prescribed for the publication of orders of the council, or in one or more newspapers.

**408.** Every by-law or part of a by-law, so quashed, Effect of annulment. shall cease to be in force from the date of the judgment.

**409.** The court or the judge may condemn either of Costs. the parties to pay the costs of the contestation; and such costs may be recovered from the parties to the suit and from their sureties.

The judgment, as far as the costs are concerned, shall be Execution against sureties. executory against the sureties, fifteen days after a copy thereof has been served upon them.

**410.** The municipality shall alone be responsible for Damages. the damages and suits which may arise from the putting into force of any by-law or part of a by-law, the quashing of which has been so obtained.

**411.** The right to demand the quashing of a by-law Prescription of suit to annul. shall cease after three months next after the coming into force of such by-law.

*v—Disallowance of by-laws*

**412.** A copy of every by-law passed under this act Transmission and disallowance of by-law. or the charter, shall be transmitted without delay to the Lieutenant-Governor in Council, who may disallow it.

Such disallowance may be exercised within three months Exercise of disallowance. from the payment of the fees fixed by the Lieutenant-Governor in Council.

Notice of such disallowance shall be published in the Notice. *Quebec Official Gazette*, and from the day of such publication the by-law shall be null and void.

**§ 3.—General Power to pass By-Laws**

**413.** The council may make by-laws:

1. To secure the peace, order, good government, health, Council may, by by-law: Secure peace etc., of municipality; general welfare and improvement of the municipality, provided such by-laws are not contrary to the laws of Canada, or of this Province, nor inconsistent with any special provision of this act or of the charter;

Amend, etc., by-laws previously in force in territory. 2. To amend, replace and repeal, in whole or in part, all ordinances or by-laws made by the municipal councils previously governing the territory comprised within the municipality, and which have been continued in force within such territory.

§ 4.—*Inspection of Houses, etc., and Seizures and Contestations*

Council may by by-law: Authorize inspection of property; 414. The council may make by-laws: 1. To authorize the officers of the council to visit and examine all moveable and immoveable property, as also the interior or exterior of any house, building or edifice whatsoever, to ascertain if the by-laws of the council are executed in respect thereof, and to compel the owners or occupants of such property, buildings and edifices to admit such officers; Authorize confiscation. 2. To authorize the confiscation of any article offered for sale or sold or delivered, in contravention of the by-laws passed in virtue of this act or of the charter.

§ 5.—*Protection of Persons and Property*

Council may make, etc., by-laws respecting: 415. The council may make by-laws: 1.—*Construction and inspection of buildings, chimneys, etc.*

Chimneys, etc.; 1. To regulate the height of all buildings, chimneys, stacks and other structures; to prevent the construction or maintenance of the buildings, walls, chimneys, stacks and other structures as are not of the required stability, and provide for their destruction; to prescribe the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, materials and construction of party walls, partitions and outside walls, the size and materials of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus; to regulate the architecture, dimensions and symmetry of buildings in certain streets; to compel the proprietors to submit the plans thereof to, and previously obtain a certificate in writing from, the building inspector or any other officer; to prohibit the construction of buildings and structures not conforming to such by-laws, and to direct the suspension at any time of the erection of any such building as does not conform to such by-laws, and to cause the demolition of any building not conforming to such by-laws, if necessary; Demolition 2. To authorize the building inspector or any other offi-

cer, to demolish any house or building that may endanger life; to cause such house or building to be temporarily vacated, if he deems it necessary; and to make and effect such repairs as he may deem necessary for the safety of the structure, and to recover, from the proprietor, the cost so incurred;

3. To regulate the construction, location and operation of derricks, windlasses, freight and passenger elevators and other apparatus hazardous to life and property; to have the same inspected, from time to time, by the building inspector or any other officer, and to authorize such inspector or other officer to forbid the use thereof until the same are built or operated in accordance with the by-laws;

4. To prescribe and define the duties and powers of the building inspector, and to authorize him, and such other officers as may be appointed by the council for that purpose, to visit and examine, in the performance of their duties, both the interior and the exterior of any house or building, for the purpose of adopting any measure tending to prevent fires, or deemed necessary for public security;

#### II.—*Smoke-consuming apparatus*

5. To compel persons using steam engines, steam boilers, or operating factories, or other workshops or establishments, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishment, and to impose a fine of one hundred dollars for the violation of any by-law made under the provisions of this paragraph, and to enact that, in default of immediate payment of the said fine and costs by the offender, he shall be condemned to imprisonment for not more than two months, unless the fine and costs shall have been paid before the expiration of such period, and to impose a further fine of fifty dollars per day, for each and every day the offender shall continue to violate such by-law;

#### III.—*Engines and boilers*

6. To regulate the erection, use or employment of engines and steam boilers, electric dynamos and other electric machines, and to determine the qualifications, examination and license of the persons charged with the working of the same;

#### IV.—*Gas and electrical apparatus, etc.*

7. To regulate the use of gas, electricity, electric and other apparatus and other means and agencies for furnish-

ing light, heat and power in the municipality, and to provide for the inspection of the same;

v.—*Fences*

Fences; 8. To compel the owners of lands, whether vacant or not, in the municipality, or their representatives or agents, to fence in such lands, and to regulate the mode of construction and the kind and quality of the materials to be used for fences;

Barbed wire fences; 9. To provide the mode of making barbed wire fences so that they may not be dangerous to persons or animals; to prohibit the use of barbed wire for fencing in the municipality or part of the municipality;

vi.—*Games in the streets*

Games, etc., in streets; 10. To regulate or prevent the playing of games or other amusements on the streets, alleys, sidewalks or public squares;

vii.—*Blasting*

Blasting; 11. To regulate blasting;

viii.—*Shooting*

Shooting with guns, etc.; 12. To prohibit or regulate shooting with guns, pistols or other fire-arms, or arms discharged by means of compressed air or any other system;

ix.—*Dogs*

Dogs; 13. To license and regulate the keeping of dogs; to muzzle dogs; to prevent dogs from running at large, and to authorize their summary destruction;

x.—*Horses*

Horses in the streets; 14. To determine the manner in which horses shall be left standing or shall be secured in streets, public squares and open sheds in the municipality; to forbid horses being driven faster than a walk around corners or on public bridges, and generally to prevent their being driven at an immoderate pace in the streets or on the public squares;

xi.—*Pounds*

Pounds; 15. To establish pounds under the supervision and control of the council; to prevent the running at large in streets, lanes and public squares, of horses, mules, cattle, swine,

sheep, poultry, geese and other animals, and to authorize the seizure and sale of the same, and to fix a tariff of fines for such impounding;

XII.—*Police and special constables*

16. To provide for the organization, equipment, maintenance and discipline of a police or constabulary force, with power to regulate the residence, classification, rank, service, inspection and distribution of the members of such force, and to prescribe their duties; to authorize the mayor, in cases of emergency, to appoint as many temporary police officers, at a compensation to be fixed by the council, as he may deem necessary, provided that such appointments shall not continue in force for more than one week without the consent of the council; to provide for the punishment, by dismissal or by fine or imprisonment, of any member of the police force who shall, directly or indirectly, accept any money or gratuity, or any kind of intoxicating liquor;

Organiza-  
tion of  
police force,  
etc.;

- a. The policemen or constables of a municipality shall have power, authority and jurisdiction as such within the municipality, and in any territory to which the jurisdiction of the municipality extends for any purpose.
- b. The policemen or constables of a municipality shall be constables or peace officers for every judicial district within which the municipality is wholly or partly situated, in the performance of their duties, and shall have all the powers and authority conferred on constables or peace officers by the common law.
- c. Except when otherwise provided, any policeman or constable may arrest on view any person infringing a by-law of the council.
- d. Every police officer or constable may enter, by day or by night, any tavern, restaurant, hotel, shop or establishment under license to sell alcoholic liquor, as well as any other public place coming under the by-laws of the municipality, for the purpose of ascertaining whether the laws and by-laws governing such houses are observed, and to arrest on view and without warrant any person he may find in such houses contravening the law or by-laws; and the owners or occupants of such taverns, restaurants, hotels, shops or establishments shall admit such officer or constable, under penalty of a fine of not more than fifty dollars, and of imprisonment for not more than three months in default of payment.

General  
powers of  
policemen,  
etc.

Constables,  
etc.

May arrest  
on view.

May enter  
taverns, etc.

- Persons brought to police stations. e. Any prisoner brought to a police station, charged with the commission of an offence, shall be brought before the proper court without delay to be dealt with according to law.
- Release on bail, etc. f. Any officer in charge of a police station before whom a prisoner arrested on view is brought, or with the authorization of the magistrate who signed the warrant, if such prisoner is apprehended by warrant, —provided it be for an offence against the provisions of this act, the charter or any municipal by-law,—may permit such prisoner to enter into a bond, with or without bail, or with a deposit, according to the gravity of the offence, whereby he shall oblige himself to appear within two days before a competent court. In default thereof, the bail shall be forfeited or the deposit confiscated, and a competent magistrate may order the arrest of the accused.
- Condition of bail. g. No person shall wear, and no person, firm or company shall cause to be worn, any costume or uniform similar to that of the police force of the municipality; and every person, firm and company contravening this provision shall be liable to a penalty of not more than twenty dollars for each offence.
- Default to appear. h. No person shall act as a special constable or detective within the municipality, without having first obtained a certificate of good character from the mayor, and having been duly sworn as such before the mayor or the clerk of the council.
- Certain uniforms not to be worn. i. A register of all such special constables and detectives shall be kept by the clerk of the council, and each such constable and detective shall be entitled to receive from the clerk of the council a certificate establishing that the formalities required by this section have been complied with.
- Certificate required before special constable, etc., may act. j. Such certificate shall be sufficient evidence of the authority of such special constables or detectives to act as such.
- Register of such constables, etc. k. Each such constable or detective shall wear a badge to be supplied, at his own cost and expense, by the municipality.
- Effect of certificate. 17. To erect in the municipality a place of detention and one or more places for the temporary custody of any person under arrest;
- Badge to be worn.
- Look-up;

XIII.—*Fire and fire brigade*

- Protection of property, etc.; 18. To protect the lives and property of the inhabitants and to prevent accidents by fire;
- Fire-escapes, etc.; 19. To compel proprietors of buildings, occupied as

hotels, theatres, factories, schools, colleges, convents, hospitals, places of public entertainment, or by any religious community, and such other buildings as the council may indicate, to provide them with efficient fire-escapes; to cause such buildings to be examined from time to time by the inspector of the municipality or any other officer; and to prohibit the use thereof so long as they are not provided with such fire-escapes and have not been inspected; to prescribe the duties of the officers, employees, students, workmen and apprentices of such establishments in order to facilitate the vacating, in case of fire, and to prevent accidents likely to occur in such cases;

20. To regulate the construction, dimensions, and height of fire-walls and chimneys above the roofs, or in certain cases above the fire-walls and chimneys of neighboring houses and buildings, and determine at whose cost the elevation of such chimneys and fire-walls shall be made, and within what delay they shall be raised or repaired; Construction of chimneys, etc.;

21. To prevent bakers, potters, blacksmiths, brewers, potash or pearlash makers or other manufacturers or persons whomsoever, from building and having ovens, unless the same communicate with a stone or brick chimney and open into such chimney, which must rise at least three feet above the building in or near which such ovens are built; Ovens, etc.;

22. To prevent the construction and to cause the removal of dangerous chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus; Removal of chimneys, etc.;

23. To regulate the carrying on of manufactures liable to cause fires; Manufactures;

24. To prevent the depositing of ashes or the accumulation of shavings, or other combustible materials in unsafe places; Deposit of ashes, etc.;

25. To regulate the manner in which and the periods of the year when chimneys shall be swept; to grant licenses to such number of chimney-sweeps as the council shall think proper to employ; to oblige all owners, tenants or occupants of houses in the municipality to allow their chimneys to be swept by such licensed chimney-sweeps; and to fix the rates to be paid for sweeping chimneys, either to the council or to such licensed chimney-sweeps, which rates for chimney sweeping, if paid to the council, shall be considered as municipal taxes; Sweeping of chimneys, etc.;

26. To impose a penalty of not less than one dollar nor more than five dollars on all persons whose chimneys may have caught fire, after any refusal to allow them to be swept; Fines upon persons whose chimneys take fire after

- refusal to allow chimney-sweeps to clean them; and whenever any chimney, which shall have caught fire as aforesaid, is common to several houses or households in the same house, the above penalty may be imposed in full on each house or household, or divided among them in proportion to the degree of negligence of each;
- Wooden buildings, etc.; 27. To prescribe fire limits within which wooden buildings or structures shall not be erected, placed or repaired; to direct that any building within such fire limits, when damaged by fire, decay or otherwise, to the extent of one half its value, shall be torn down and removed; to prescribe the manner of ascertaining such percentage, and to provide for requiring the owners of buildings or other structures which have been destroyed or partially destroyed or have become dangerous by fire or otherwise, to take the same or any part thereof down; and, in case of refusal or neglect of said owner to so take the same down when ordered by the council, to cause the same to be done at the expense of the owner, and to levy the cost thereof by privilege upon the land upon which such building or structure stands;
- Lumber-yards, etc.; 28. To regulate the location of lumber-yards and places for piling timber, fire-wood and other combustible materials and the manner of piling the same; and to require any person maintaining any shingle, lath or lumber yard in the municipality to remove the same when it becomes dangerous to buildings, structures or other neighboring property,
- Erection of steam, etc., factories; 29. To fix the places in the municipality for the erection of factories or other establishments using machinery worked by steam, electricity, gas or any inflammable substance;
- Storage, etc., of gun-powder, etc.; 30. To regulate or prohibit the storage and use of gun-powder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, turpentine, gun-cotton, nitro-glycerine, and other combustible or explosive materials, within the municipality or within one mile therefrom;
- Sale of powder, etc.; 31. To determine the precautions to be taken for the sale of powder or other explosives;
- Lighting fires; 32. To prevent any person from lighting or keeping a fire in any out-house, pigsty, barn, shed or other building, otherwise than in a chimney or a metal stove;
- Carrying fire 33. To prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel;
- Keeping certain doors shut; 34. To compel the owners or occupants of barns, hay-lofts or other buildings, containing combustible or inflammable substances, to keep the doors thereof shut;
- Quick-lime and ashes; 35. To regulate the manner in which quick-lime and ashes are to be kept or deposited;
- Clearing of 36. To compel the owners of vacant property within

the municipality to keep the same clear of any brush or other material or substance liable to communicate fire to adjoining property; brush off lots, etc.;

37. To regulate or prohibit the use of fire-crackers, torpedoes, roman candles, sky-rockets and other fire-works; Fire-crackers, etc.;

38. To require the owners or lessees of houses and buildings to place thereon fire-escapes and appliances for protection against or for the extinction of fires; Fire-escapes, etc.;

39. To organize, maintain and regulate a fire department and fire brigade, and to equip and maintain the same with all necessary appliances by purchase or lease; to provide for the construction of fire stations; to appoint all officers and men necessary for the extinction and suppression of fires, the protection of property from fire, and the prevention of accidents by fire; to provide for the punishment of any person who may interfere with any member of the fire-brigade in the performance of his duty, or refuse to obey the lawful orders of the chief or deputy-chief of the fire-brigade, or who may tamper with or obstruct any of the signal boxes, wires, or apparatus of the fire-alarm department, or give a false alarm; Fire department, etc.;

40. To authorize the demolition of buildings, houses and fences, when deemed necessary to arrest the progress of fire; and to empower the mayor, the chief of the fire-brigade or other officers to exercise this power. If there be no by-law, the mayor may, during a fire, exercise this power by giving special authority; Demolition of buildings at fires, etc.;

41. To regulate the conduct of all persons present at a fire; Conduct at fires;

42. To prevent thefts at fires;

Thefts at fires;

43. To authorize the mayor, under such provisions as the council may enact, to send fire-engines, men and apparatus to any outside municipality that may be endangered by fire; provided however that such municipality shall be held responsible for all expenditure or damage which may be incurred in connection therewith; Sending of fire-engines out of municipality to assist in cases of fire, etc.;

44. To make, authorize or cause to be made, after each fire in the municipality, an inquiry into the cause and origin of such fire. Inquiry into origin of fires.

For such purpose, the council, or a committee composed of two or more of its members authorized by it, may summon witnesses, and compel them to appear and give evidence, and examine them under oath to be administered by any one of its members. Powers to that effect.

§ 6.—*Public Health and Hygiene*

Council may  
make, etc.,  
by-laws re-  
specting:

**416.** The council may make by-laws:I.—*Board of health and contagious and infectious diseases*

Board of  
Health;

1. To establish a board of health, with such powers, privileges and authority as the council may deem fit, which board may be composed of aldermen or of other qualified citizens; to take means to promote the public health; to provide precautionary measures against the introduction of diseases; to prevent contagion or infection therefrom, and to diminish the danger thereof; and to define and regulate the duties, powers and functions of the health officers; the whole without prejudice to the Quebec Public Health Act;

Hospitals,  
etc.;

2. To establish and regulate hospitals and pest-houses, and to protect the public health and suppress disease; to prevent the introduction of contagious, infectious and other diseases into the municipality; to secure the isolation of persons infected by such diseases, and enforce such by-laws within the municipality; to regulate, control or prevent the landing of persons, baggage, merchandise or other property from boats, vessels, cars or other conveyances infected with contagious diseases, and to make such disposal of such persons or property as to preserve the public health, and to prevent infected boats, vessels, cars or other conveyances from coming within or near the municipality; the whole without prejudice to the provisions of the Quebec Public Health Act;

Vaccination,  
etc.;

3. To establish a complete and efficient system of vaccination; to establish offices for that purpose; to appoint officers; to authorize them to make domiciliary visits, to destroy linen, clothing and any other articles infected with small-pox or any other contagious disease; to isolate patients suffering from any such disease, whensoever the said officers shall deem it necessary for the welfare of such patients, or of the public at large; to cause any person who shall have died of any such disease to be buried within a short delay, and generally to cause such measures to be taken as the council may deem necessary to prevent or to arrest the progress of any contagious or endemic disease;

II.—*Inspection and seizure of produce and provisions*

Inspection  
of meat, etc.;

4. To provide for the inspection of meat, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, milk, dairy products, fruit, and other food products; to provide for the seizure, confiscation and summary destruc-

tion of any such products as are unsound, spoiled or unwholesome; to prohibit the bringing into the municipality and the having or keeping such unsound, spoiled or unwholesome products, and to define the duties, powers and functions of the inspectors appointed for that purpose;

5. To regulate the construction and maintenance of Storing, etc., places where foodstuffs are prepared, stored or sold; of foodstuffs;

6. To provide for the inspection of milk, and to prohibit Dairies, etc.; the use, sale, and exposure for sale of milk which is unhealthy, infected with germs of disease or otherwise dangerous to health, and to authorize the seizure and confiscation thereof; to inspect and regulate dairies, stables and cow-sheds situate within the municipality, whence the milk sold in the municipality comes; to require the tuberculin inoculation of milch cows and pasteurisation of the milk; to inspect and regulate the premises in which milk is sold; to compel milkmen selling milk in the municipality to employ the methods of transport and treatment of milk most suitable for protecting it against contamination and to ensure the purity thereof; to grant licenses to milkmen selling milk in the municipality; to refuse such licenses to milkmen who do not comply with the law or the by-laws of the municipality respecting milk, as well as the regulations of the Lieutenant-Governor in Council, and to suspend or annul such licenses for infractions of the law and by-laws, in addition to any other penalty;

#### III.—*Inspection of ice-houses*

7. To inspect and regulate ice-houses, and cold-storage Ice-houses, establishments, and to license persons selling ice within etc.; the municipality;

#### IV.—*Sanitary condition of houses*

8. To regulate lodging, tenement and apartment houses Lodging and dependencies; to prevent the overcrowding of the same, houses, etc.; and to require the same to be put and kept in proper sanitary condition;

9. To require that the plans for the buildings mentioned Approval in paragraph 8 be submitted to the health authority for of plans; approval before being acted upon,— a copy of such plans must be kept in the archives of the town;

10. To provide for the closing and demolition of buildings Uninhabit- within the municipality which are no longer fit for human able build- habitation or occupation, and to recover the cost thereof ings, etc.; from the owners of such buildings;

v.—*Garbage, cess-pools and unsanitary conditions*

Removal of ashes, etc.; 11. To require, throughout the municipality or in such district or districts as the council may designate, the owner or occupant of any premises, or the person who has deposited the same, to collect, remove and dispose of ashes, swill, offal, refuse, garbage, manure, dead animals, night-soil, and other unhealthy or offensive matter; to provide for the collection, removal and disposal of the same throughout the municipality or in such places in the municipality as the council may designate, and to authorize and direct such collection, removal and disposal, either at the expense of the municipality or of such owner or occupant, or of the person who has deposited the same;

Use of bridges, etc.; 12. To regulate or prohibit the use of all bridges, viaducts, tunnels, drains, sewers, privies and cess-pools within the municipality, or in such portions thereof as it may designate; and to cause the cleaning or removal of privies and cess-pools;

Filth in streets, etc.; 13. To prevent the throwing or depositing of ashes, paper, refuse, offal, dirt, garbage or any offensive matter or obstruction in or upon any street, alley, yard, public ground or square or municipal stream or water;

Pollution of waters, etc.; 14. To prevent the pollution of the waters of any municipal creek, river, pond, lake or water-course within or adjacent to the municipality; to prevent the dumping of refuse or other matter therein; to provide for the cleansing and purification of municipal waters, water-courses, and canals and the drainage or filling of ponds or pools on private property, whenever necessary for public health; and to compel the owner or occupant of any building or ground to remove from the premises owned or occupied by him, all such offensive substances as the council or health department may direct, and, upon his default, to authorize the removal or destruction thereof by some officer of the municipality, at the expense of such owner or occupant;

Fencing and drainage of lots, etc.; 15. To provide that, in case the owner of such lot cannot be found and no one represents the proprietor, or should such proprietor or occupant, or other person in charge thereof, refuse or neglect to fence in, drain, cleanse, fill up or level the same, when so directed by the proper officer of the council, or be unable by want of means, to fence in, cleanse, drain, fill up or level such lot, the council may have the same done, and may provide that the amount expended thereon shall be a special charge upon such lot, and shall have the same privileges attached to it, and be dealt with and recoverable in the same manner as a special tax thereon;

VI.—*Unwholesome or noxious establishments*

16. To regulate or to prohibit the location, construction and management of stock-yards, packing-houses, rendering establishments, tallow-chandleries, storing places for hides, bone or glue houses and generally all establishments in which animal matter is dealt with, gas-works, soap-factories, dye-houses, tanneries, sausage manufactories and other noxious establishments within the municipality; Stock-yards, etc.;

17. To regulate the location, construction and use of breweries, stables, livery-stables, blacksmith-shops and foundries within the municipality; Breweries, etc.;

18. To prohibit offensive or unwholesome undertakings or establishments within the municipality; to prohibit the erection or occupation of any offensive buildings in any place or site where they may damage the neighboring property; and to determine the localities where certain manufactories or occupations may be carried on; Offensive establishments, etc.;

19. To compel the owner of any soap and tallow-chandlery, sausage manufactory, pig-sty, or other unwholesome or noxious establishment or place, to cleanse, abate or remove the same; Soap works, etc.;

20. To require that places where animals are kept be maintained in a sanitary condition; and to fix the minimum distance between such places and dwellings; Condition of stables, etc.;

VII.—*Animals attacked by contagious diseases*

21. To order any animal attacked by a contagious disease to be isolated until cured or to be killed at any place in the municipality on a certificate from a veterinary surgeon or health officer appointed by the council; Slaughtering of animals attacked by contagious disease;

VIII.—*Public baths, privies, etc.*

22. To establish and maintain public baths, privies and lavatories; Public baths, etc.;

IX.—*Sewers, drains and water-courses*

23. Subject to the provisions of the Quebec Public Health Act, to regulate the sewerage of the municipality; to construct or otherwise acquire any public sewer; to assess proprietors of immoveable property for the purpose of defraying the cost of making, in whole or in part, any common sewer in any street, in which such proprietors own immoveable property, including connections between such common sewer and the private drains of such proprietors, and between the common sewer and the street line if there Sewerage, etc.;

be no private drain, and the cost of such repairs as are rendered necessary in the paving on account of the construction of private drains; and to prescribe the mode in which such assessment shall be made, either according to the frontage of the property or otherwise, and the manner of levying such assessment;

**Main sewers and tunnels, etc.;** 24. To extend its main sewers or tunnels in any adjoining municipality, and to recover from such municipality, if it use them, its share of contribution towards the cost of construction and maintenance thereof, according to the area to be drained and in proportion to the benefit to be derived by such municipality,—the amount of such contribution to be determined by appraisers to be appointed as follows: one by the council, one by such municipality, and the third by a judge of the Superior Court;

**Drains in private streets;** 25. To construct or acquire drains in private streets and lanes when required in the interest of public health, without being bound to pay any damages or compensation for the use of such streets or lanes for such work;

**Private drains, etc.;** 26. To regulate the time when private drains shall be made, as well as the manner and materials with which the same may be constructed, the municipality making the same from the line of the street to the common sewer; and to assess the cost of the same on the owners;

**Automatic safety valves, etc.;** 27. To permit the municipality to provide, where necessary, suitable automatic safety-valves for the drainage of any lands, the expense thereof to be borne in the manner determined by the council, and such cost to be recovered according to a statement prepared by the inspector of the municipality; and to provide for the inspection of the same by the municipality;

**Opening and maintenance of ditches, etc.;** 28. To cause to be opened, dug, enlarged, covered and maintained, any ditch necessary for drainage, boundary or division ditch or water-course situate in the municipality or beyond the boundaries thereof, as the council may deem advisable, and to determine the time and manner of making such works, as well as the inhabitants of the municipality by whom or at whose expense the same shall be made;

**Case where local or county municipalities drain into a town, etc.;** In cases where local or county municipalities drain into or contribute water to a city or town, or the city or town contributes water to or drains into local or county municipalities, the county council of such local or county municipality, or the board of delegates, as the case may be, must, upon consent first obtained by resolution of the council of the said city or town, treat the said city or town as a

local municipality under the control of the county council or board of delegates, as provided for by the Municipal Code where two or more local municipalities under their control are concerned.

The council of the city or town shall then have authority to appoint a delegate to represent it on the county council or on the board of delegates, as the case may be, which delegate, as regards works on water-courses and bridges, shall have the same jurisdiction as a county councillor or a county delegate, as the case may be.

Appointment by city or town of delegate to county council.

In default of the above consent, and of the appointment of its delegate within fifteen days after a notice has been given to the secretary of the county council or the secretary of the delegates, the corporation of the county or the board of delegates may apply to the Circuit Court of the county or district or to the Magistrate's Court of the district, by a petition, five days' notice whereof shall be given to the said city or town municipality, to cause it to be declared that the territory or part of the territory of the said municipality is interested in the works on the water-courses and bridges, according to the direction of the water-courses and bridges, and to have a delegate appointed by the said court to represent the city or town corporation on the county council or the board of delegates.

Application to court for appointment in default of city or town.

After such consent and such appointment or such judgment, the territory so declared to be interested in the said works shall be treated as forming part of the county municipality, and shall, for the purposes of the said works, be under the jurisdiction of the county council or of the board of delegates as well as of the superintendents or other officers who may be appointed by such two authorities, as if the said territory formed part of the county municipality in question.

Treatment of territory thereafter.

The judgment rendered on such petition shall not be subject to appeal.

Judgment not subject to appeal.

29. To levy, if the works are to be executed at the joint expense of the parties interested, on the proprietors of the lands situate within the municipality and drained by the ditch or water-course, the sums required for such works, according to the estimated value of such lands or the length of the ditch or water-course upon the same; and to determine the mode of levying the taxes so imposed;

Tax for purposes of drainage works;

- Penalties; 30. To impose penalties on any person obstructing, diverting, or allowing the obstruction or diversion of ditches or water-courses, or refusing to make or allow to be made the works ordered by the inspector under the by-laws;
- Carrying on works at expense of municipality; 31. To carry on, at the expense of the municipality, for a definite or indefinite period, all works on ditches or water-courses.
- Ditches to be kept by railway companies, etc. 32. To require railway companies to make and keep open and in repair ditches, drains, sewers and culverts along and under their railway tracks, so that filthy or stagnant water shall not collect upon their property, and so that the natural drainage of adjacent property and streets shall not be impeded within the municipality.

§ 7.—*Decency and Good Morals.*

- By-laws respecting: Gambling; Bawdy-houses; 417. The council may make by-laws:
1. To suppress gambling houses and disorderly houses;
2. To suppress houses of prostitution, of ill-fame and of assignation;
- Card playing, etc.; 3. To prohibit and prevent card-playing, throwing of dice and other games of hazard with or without betting, in any hotel, restaurant, tavern or shop, whether licensed or not, in the municipality;
- Riots, etc.; 4. To prohibit, prevent and suppress noisy gatherings, affrays, disturbances, disorderly assemblies, and all brutal or depraving exhibitions;
- Circuses, etc.; 5. To regulate circuses, theatres, spectacles and other public exhibitions, and permit them, on obtaining a license, to be held upon such conditions as may be deemed fit, and to prohibit all spectacles or exhibitions tending to affect public safety;
- Posting of bills, etc.; 6. To license and regulate the posting of bills and placards;
- Swimming, etc.; 7. To regulate bathing and swimming in the waters comprised within the municipality or within its jurisdiction for police purposes;
- Disturbance of religious worship, etc.; 8. To prevent the disturbance of any congregation assembled for religious worship, and to prohibit the distribution of printed hand-bills or circulars at church doors on Sundays;
- Occupation of minors in streets, etc.; 9. To license, regulate or prevent the employment and occupation of minors in the streets and public places, and to grant licenses and regulate newspaper carriers;
- Begging. 10. To regulate begging.

§ 8.—*Streets and Public Squares.*

**418.** The council may make by-laws:

1. Subject to articles 5887 and 5888 of the Revised Statutes, 1909, to order the opening of new streets, the widening, extension or changing of existing streets, and to prescribe the manner of making or maintaining the streets of the municipality wholly or partly at the expense thereof or of the proprietors of adjoining lots as the council may deem expedient, according to such plans and on such conditions as it may deem advisable.

By-laws  
respecting:  
Streets, and  
their open-  
ing, etc.;

2. To pave, macadamize or plank the whole or part of the streets of the municipality, and to pay the whole or part of the cost thereof out of the general funds of the municipality or by an assessment on the owners of immoveable property within a territory determined by the council;

Paving, etc.,  
of streets,  
etc.;

3. To oblige the owners of land situated on any road, street, square or public way, established in the municipality, to make and maintain in front of their property, or on the opposite side of the street or road, sidewalks of wood, stone or other material, either throughout the whole municipality or only through a part thereof; and to determine the manner of making and maintaining such sidewalks, and even make and maintain them at the expense of the municipality or at the expense of the abutting owners or of the owners on the opposite side of the street, or of the owners in part of the municipality, by means of a special assessment upon such owners;

Sidewalks;

4. To open, enclose, embellish, improve and maintain, at the expense of the municipality, public squares or parks conducive to the health and well-being of its inhabitants.

Public  
squares;

5. To determine and change the alignment and the height or level of the streets or sidewalks of the public places or parks of the municipality; provided always that if any person suffers damage thereby, he shall receive compensation to be settled by arbitrators. In estimating such damages, account must be taken of the additional value given to the property in question by the change of level and the municipal work connected therewith; and such additional value shall compensate a corresponding amount of the damage suffered;

Alignment,  
etc., of  
streets, etc.;

Additional  
value must  
be con-  
sidered.

6. To give names to the streets, alleys and public places and to change the same;

Names of  
streets, etc.;

7. To regulate the numbering of houses and buildings and to compel the owners of houses and other buildings to have the numbers of such houses and buildings shown conspicuously thereon;

Numbering  
of houses,  
etc.;

- Subdivision into streets, etc.; 8. To regulate the subdivision into streets of any land situated within the municipality, and to prohibit any such subdivision whenever the same does not coincide with the general plan of the municipality, and to compel the owners of private streets and lanes to indicate that the same do not belong to the municipality;
- Bicycle paths, etc.; 9. To provide for and regulate the construction and use of bicycle paths upon any street, alley or public place;
- Winter roads; 10. To cause winter roads to be laid out through any field or enclosure, except orchards, gardens or other lands enclosed in hedges;
- Use of streets, etc.; 11. To regulate the use of and prevent and remove encroachments in, upon or over streets, alleys, avenues, bridges, culverts, public grounds and public places, pavements, sidewalks, crossings, gutters, municipal streams and waters, and to prevent injury thereto and prohibit the improper use thereof; the municipality being responsible in damages for the bad state of such roads, streets, avenues, bridges and culverts, public lands and places, pavements, sidewalks, crossings, gutters, municipal water-courses and public ways;
- Public franchises and exercise thereof in streets, etc.; 12. To regulate and control the exercise, by any person or corporation, of any public franchise or privilege in any of the streets or public places in the municipality, whether such franchise or privilege has been granted by the municipality or by the Legislature, saving acquired rights;
- Excavations in streets, etc.; 13. To regulate the making and maintaining of openings and excavations in streets, alleys and public grounds and places for the laying of gas and water mains and pipes, electric conductors, the building and maintaining of sewers, tunnels and drains, and the construction and use of all structures and conduits of every kind underneath the streets, alleys, sidewalks, public grounds and places of the municipality, and to regulate, and, if it deem necessary, to prohibit the construction and maintaining of coal-holes, man-holes, hatchways and other openings in sidewalks, streets and alleys, and to order coverings and guards therefor; to compel all persons or companies who have or may hereafter have the right to make any excavations in the streets of the municipality, to deposit in the hands of the treasurer an amount sufficient to guarantee that such streets shall be restored to their former state, or to permit the municipality to make such excavations at the expense of such persons or companies, or to prevent such excavations, and fill up the same whenever they are made contrary to the by-laws; to prevent any person or company from ripping up any pavement, sidewalk or crosswalk, drain or sewer, or from making any excavation, ditch or drain in any street, pave-

ment or sidewalk, without previously sending a written notice to the clerk of the municipality with a plan showing the exact location and dimensions of the proposed opening, and obtaining the permission of said clerk, if not previously authorized, and, in any case, without obtaining his approval of the place where, and the manner in which, the proposed opening is to be made; to prohibit the deposit, upon any paved street, of any building materials, tar, lime, stone, brick or other articles whatever of a nature to deteriorate the paving; or to regulate the permission to be granted to make use of such streets for the aforesaid purposes, and to exact the deposit of an amount sufficient to replace the paving in good order;

14. To cause to be removed from the streets all sheds, stables and other buildings on the line of any street or public place or in the immediate vicinity thereof, and to determine the time and manner in which the same shall be demolished or removed, and by whom the expense thereof shall be borne; Sheds, etc.,  
in line of  
streets, etc.;

15. To regulate or prevent the use of streets, alleys, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric poles, horse-troughs, racks and other obstructions; Signs, etc.,  
on streets,  
etc.;

16. To regulate or prohibit the suspending of wires along or across streets, alleys and public places; to require any and all wires, within prescribed limits, or throughout the municipality, to be placed as it may designate, beneath the surface of the streets or elsewhere, and require any poles already erected or wires already suspended to be removed, and the wires likewise placed in conduits beneath the surface of the street or elsewhere, and to compel any or all wires, pipes and other constructions and conduits to be placed in a common area beneath the surface or elsewhere, upon such terms as it may designate; Wires, etc.,  
on streets,  
etc.;

17. To regulate or prohibit the locating, constructing and maintaining of bridges and street railway tracks in, under, or over any street, alley or public place; Bridges and  
railway  
tracks;

18. To regulate the erection of hitching posts and rings for fastening horses, or to prohibit the same in the whole or any part of the municipality; Hitching  
posts, etc.;

19. To levy by assessment, upon all owners and occupants resident in any street or public place, funds sufficient to sweep, water and keep clean any such street or public place, provided that the majority of such persons have applied therefor by petition; Cleaning of  
streets;

20. To prescribe the measures the council may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of Prevention  
of accidents  
in winter,  
etc.;

- houses and other buildings, and, for that purpose, determine the manner in which sidewalks and roofs shall be kept. Every person obliged by law to keep sidewalks or roofs, shall be responsible towards the municipality for damages resulting from his neglect to fulfil his obligations in this respect, and may be called in warranty in all cases instituted against the municipality for damages;
- Right to call in proprietor, etc., in warranty;** 21. To prohibit the piling of snow or other incumbrances upon any street or alley or public place by persons, companies or firms owning or operating any street railway along or across the same;
- Accumulations of snow;** 22. To remove and abate any nuisance, obstruction or encroachment upon the sidewalks, streets, alleys and public grounds, and prevent the encumbering of the same with vehicles, or any other things;
- Obstruction, etc., in streets, etc.;** 23. To require the owner or occupant of any immoveable property to keep the sidewalks along or in front of the same free from obstructions, and to provide for the removal of such obstructions at the expense of such owner or occupant;
- Obstructions on sidewalks, etc.;** 24. To compel every railway company to erect gates and to keep gate-keepers at the expense of the company at each road or street crossed by such railway within the municipality, and to impose a fine of not more than twenty dollars for every day such company shall refuse and neglect to erect such gates after having been called upon so to do;
- Railways to keep gates at crossings, etc.;** 25. To prevent the obstruction of streets by the locomotives or cars of any railway company; to prescribe the precautions to be taken by conductors, engineers or firemen when crossing or about to cross the streets in the municipality, and to impose upon such railway company itself or upon the employees of such company a fine of not more than twenty dollars for every infraction of the by-laws passed in that respect;
- Penalty for neglect;** 26. To regulate the speed of horses or other animals, bicycles, cars and locomotives, and other vehicles within the municipality, and to compel persons to fasten their horses or other animals harnessed or not when they leave them standing in the streets, alleys or public places;
- Obstruction of streets by railways with cars, etc.;** 27. To regulate the use of bicycles and motor vehicles within the municipality and prevent their being used in certain streets; subject, as regards automobiles, to the provisions of the law respecting motor vehicles;
- Penalty for so doing;** 28. To regulate and prescribe the width of tires on the wheels of the vehicles used in the municipality, and the maximum weight of a load to be drawn over any street, and to direct upon what streets heavily laden vehicles may be drawn, and from what streets, alleys and public places the
- Speed, etc., of horses, etc.;**
- Use of bicycles, etc.;**
- Vehicular traffic;**



logated, no compensation to be allowed.

Proviso.

Modification of plan, etc.

dened or extended, no compensation or damages may be claimed or given for any building or improvement, which the proprietors or other persons shall have erected or made, or caused to be made, subsequent to the confirmation of such plan, on any land reserved either for new streets, or public places or squares, or for the widening, lengthening or enlarging of the same; provided, however, that nothing in this act shall take from the municipality the right of widening or extending any street, public place or square, indicated on the plan, after the confirmation thereof, or of abandoning the opening, widening and extending of any existing street as indicated on the plan; but no such alteration or modification shall be made, unless it be decided upon by by-law at a meeting of the council, at which a majority of the members are present, on petition to that effect, signed by the majority of the proprietors on the street or part of the street, in which such changes are projected.

After which, any judge of the Superior Court may, on petition presented for that purpose by the municipality, after the same notices as mentioned in section 419, order that the said duplicates of the plan shall be altered or modified in consequence.

### § 10.—*Water Supply*

Establishment, etc., of water-works, etc.

Coming into force of by-laws.

Exception.

Construction of water-works by municipality and powers for that purpose.

**422.** The council may make by-laws to provide for the establishment or acquiring, maintenance, management and regulation of water-works, public wells, cisterns or reservoirs, to supply water to the municipality, and to instal hydrants, fountains, public drinking places and apparatus for filtering and purifying water.

But, if the cost of the works provided for by such by-laws amounts to five thousand dollars or over, they shall come into force only after being approved by the majority in number and in value of the municipal electors who have voted, by observing the formalities required by sections 388 to 399.

The provisions of the foregoing paragraph shall not apply to the by-laws adopted by a council in order to comply with an order of the Provincial Bureau of Health.

**423.** The municipality may construct or acquire, and maintain, in and beyond its boundaries for a distance of thirty miles, water-works, together with all appurtenances and accessories, the construction or acquisition whereof is determined under section 422; it may improve the water-works and change the site thereof; and construct

and maintain all buildings, engines, reservoirs, basins and other works necessary to convey water.

**424.** For the said purposes, the municipality may acquire and hold any land, servitude, or usufruct, within its limits or within a circuit of thirty miles thereof; acquire a right of way wherever it may be necessary; pay any damages occasioned by such works, either to buildings or lands; enter into contracts with any person for the construction of the said water-works; and direct and superintend the water-works when completed. Acquisition of land, etc.

For the construction of the water-works and its maintenance afterwards, the contractor for the works or the officers or employees of the municipality authorized by resolution of the council shall have the right to enter during the day time upon the lands in the neighborhood of the water-works and take and remove trees, stones, soil, sand and gravel, if they need them for the work of construction or maintenance, and to cut and remove trees and roots which might damage the water-works, saving reasonable compensation agreed upon between the parties or fixed according to the provisions of section 425. Removal of trees, etc. Proviso.

**425.** When the parties cannot come to an amicable arrangement with respect to the acquisition of any moveable property for water-works or for any of the purposes mentioned in the preceding sections, either within or without the municipality, or for the right of way through such property, or any servitude thereon, the same may be acquired by expropriation. Expropriation.

**426.** The employees and officers of the municipality may enter upon any land or property, street, lane or public or private road, to lay or repair pipes and to do other necessary work in connection with the water-works. Employees and officers may enter upon land.

**427.** If any person prevents an employee or officer of the municipality, or any other person acting on its behalf from doing any of the said work, or from exercising any of the powers and rights hereinbefore granted, or embarrasses or interrupts him in the exercise of such rights, or causes any injury to the water-works, apparatus or accessories thereof or obstructs or prevents the working of the water-works, or the apparatus or accessories thereto belonging, such person shall be liable, without prejudice to the penalties he may incur, for the damages that the municipality may suffer from any such act. Damages, etc., for obstructing, etc., works.

Tax for constructing water-works, etc.

**428.** The council may, by by-law, in order to meet the interest on the sums expended in the construction of water-works, public wells, cisterns or reservoirs, and to establish a sinking-fund, impose on all the owners or occupants of houses, shops or other buildings, an annual special tax at a rate to be fixed by it, on the assessed value of each house, shop or building, including the land.

Investment of sinking-fund.

The sinking-fund created by virtue of this section shall be invested and managed in the same manner as that mentioned in section 568.

Tax to be levied even on owners not using water.

**429.** Such special tax shall be imposed and levied, even upon the owners or occupants not availing themselves of the water from the water-works; provided that the municipality has notified such owners or occupants, that it is prepared, at its own expense, to bring the water to the line of the street opposite their respective houses, shops or buildings.

Tax on certain immoveables.

**430.** Upon a petition, signed by the majority of the proprietors of immoveables affected in number and by reason of feet frontage of their immoveables, the council shall have power to impose and levy a special real tax, payable by annual instalments, during a period not exceeding twenty years, with interest on all balances remaining due at the rate of six per cent per annum, on the immoveables facing the water conduits constructed by the municipality, to pay the cost of the same. Of whatever dimensions a water conduit, thus constructed, may be, there shall not be levied on the bordering proprietors more than their proportion of the cost of a six inch diameter conduit.

How imposed.

The tax authorized under this section shall be imposed according to feet frontage.

By-laws:

**431.** The council may make, by-laws:

To prohibit supplying water to others, etc.;

1. To prohibit any occupant of a house or building supplied with water from the water-works, from furnishing such water to others, or from using it otherwise than for his own use, or from wasting it;

To fix size, etc., of pipes, etc.;

2. To prescribe the size, quality, strength, and location of the pipes, valves, cocks, cisterns, water-closets, baths, and other similar apparatus;

To prevent pollution of water, etc.;

3. To prevent the pollution of the water in the water-works or reservoirs and the practising of frauds upon the municipality with regard to the supply of water from the water-works;

To fix tariff; of rates, etc.;

4. To establish the rate for water, in addition to the special taxes mentioned in sections 428 and 430; to supply

meters for buildings or establishments, for measuring the quantity of water used therein; and to fix the amount to be paid for the water and rent of meters;

5. To provide that the water-rate shall be due and payable by instalments, and within such delays as it shall deem proper to fix; To provide mode of payment;

6. To provide that the legal rate of interest upon the arrears of water-rate shall only be due at the expiration of such delays respectively; Id., for interest;

7. To provide for any other matter or thing of any nature or kind whatsoever, having reference to the water-works, which it may be necessary to regulate or determine for the proper working of such water-works. For general management.

**432.** The municipality may make a special agreement with consumers for the supply of water in special cases, where it is considered that there is more than the ordinary consumption of water. Special agreements in certain cases.

**433.** The special tax and the water-rate imposed under sections 428, 430 and 431, as well as all other taxes due for water or for meters, shall be levied according to the rules and in the manner prescribed for general taxes. To levy tax and water-rate.

**434.** As soon as the municipality is ready to furnish water to any part of the municipality not already supplied, public notice thereof shall be given; and, after such notice, all persons liable to the payment of water-rates in such part of the municipality, whether they consent or not to receive the water, shall pay the rates fixed by the tariff. Notice when municipality is ready to furnish water.

**435.** The municipality shall lay the distribution pipe to the line of the street, and may exact payment of the water-rate from the proprietor, even although the latter refuses or neglects to connect such pipe with his house or building. Laying of pipe.

**436.** If any proprietor refuse or neglect to make such distribution, and the council exacts payment of the water-rate from the tenant, such tenant may withhold from the proprietor, out of the rents to be paid him for the property he occupies, the amount thus paid by him to the municipality, unless otherwise provided in the lease. Tenant's recourse if proprietor refuses to make distribution.

**437.** When a dwelling house or other building is tenanted by two or more tenants, subtenants or families, the municipality may require from the proprietor that a separate and distinct service pipe be provided by him. Separate pipes for each tenant.

Obligation  
of prop-  
rietor.

for each such tenant, subtenant or family, occupying separate apartments, so that the municipality may at all times have control over the supply of water furnished to each such tenant, subtenant or family, as in the case of single tenanted houses; and if the proprietor, after being notified in writing to that effect by an officer of the council, refuses or neglects to comply with the requirements of this section within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of the rates imposed for the water so supplied to the said tenants, subtenants or families; and such liability on the part of the proprietor shall continue so long as he does not comply with the requirements aforesaid.

Liability of  
proprietor  
of rows of  
houses, etc.

**438.** Such liability shall apply to any proprietor of a row of dwelling houses or tenements contiguous to one another, who refuses or neglects to provide each such house or tenement with a separate and distinct service pipe, after notice given to him, as aforesaid; and such liability shall also apply to the proprietor in all cases where the number of tenants, subtenants or families in a dwelling house, is such that it is impossible to provide a separate service pipe for each of them; and the municipality may, in such cases, exact from the proprietor the ordinary price of water for each such tenant, subtenant or family.

Water  
supply may  
be cut off in  
certain  
cases.

**439.** If any person causes or allows any water-pipe, valve, cock, cistern, water-closet, bath or other apparatus to be out of repair, or to be so used that the water supplied from the water-works, be wasted, or unduly consumed; or if he refuses or neglects to pay the rate lawfully imposed for the water supplied to him, for thirty days after the same is due and payable, the municipality may cut off the water and discontinue the supply so long as the person is in default; which shall not, however, exempt such person from the payment of such rate, as if the water had been supplied to him without interruption.

Visits of ex-  
amination.

**440.** The officers appointed for the administration of the water-works may enter into any house or building whatsoever, or upon any property whether situated within or without the municipality, for the purpose of satisfying themselves that the water is not wasted and that the by-laws relative to the water-works are faithfully carried out.

Duty of  
owners, etc.,  
to allow the  
same.

The owners or occupants of any such house, building or property shall allow the officers to make such visit or examination.

Cutting off  
of water.

The water may be cut off from any person refusing to admit the officers, so long as such refusal continues.

**441.** The municipality is not bound to warrant the quantity of water to be supplied; and no person shall refuse, on account of the insufficiency of the water supply, to pay the annual special tax and the compensation for the use of the water. Quantity not guaranteed.

**442.** The council may also make special agreements for the supply of water beyond the municipality, provided that the persons with whom such agreements are made comply with the by-laws respecting the management of the water-works. Water outside of municipality.

**443.** The council may, by by-law, transfer its rights and powers, respecting the water-supply, to any corporation, firm or person willing to undertake the same, provided that such company, firm or person, does not exact, for the use of the water, rates higher than those approved or determined by by-law of the council. Rights of council to be transferable.

#### § 11.—*Lighting*

**444.** The council may make by-laws providing for the lighting of the municipality by means of gas, electric or other light furnished by any company, firm or person, and the corporation may become a party to any contract to that effect. Lighting of municipality.

**445.** The council shall have all the necessary powers for the establishment and management of a system of lighting by gas, electricity or otherwise, for the requirements of the public and of private individuals or companies desiring to light their houses, buildings or establishments. Council vested with powers necessary for lighting by gas, etc.

**446.** The council may, by by-law, in order to meet the interest on the sums expended in introducing a system of lighting, and to establish a sinking-fund, impose on all the owners or occupants of houses, shops or other buildings, an annual special tax, on the assessed value of such houses, buildings or establishments, including the land. Tax for establishing system of lighting.

**447.** The sinking-fund created by virtue of section 446 shall be invested and managed in the same manner as that mentioned in section 568. Investment of sinking-fund.

**448.** The council may make by-laws:

1. If the lighting system belongs to the municipality,—
  - a. to determine, in addition to the special tax mentioned in section 446, the compensation to be paid for light

By-laws respecting lighting system: Compensation;

- and for the rent of meters, and for supplying meters to measure the quantity of light consumed;
- Prevention of fraud;      b. to prevent fraud in connection with the quantity of light supplied;
- Protection of apparatus;      c. to protect the wires, pipes, lamps, apparatus and other articles serving for the distribution of light;
- Penalties for extinguishing lamps.      2. If the lighting system belongs to the municipality or to others,—to impose penalties against persons extinguishing the lamps without authority.

Levy of tax and compensation.      **449.** The special tax and the compensation imposed under sections 446 and 448 shall be levied according to the rules and in the manner prescribed for general taxes.

Use of light not compulsory.      **450.** Every citizen may accept or refuse to use the light supplied by the municipality in any building, house or establishment controlled by him.

Visits of examination.      **451.** The officers, appointed to manage the lighting system of the municipality, may enter any building, house or establishment, and upon any property, for the purpose of ascertaining whether the by-laws respecting lighting are faithfully observed.

Duty of owners, etc., to admit officers.      The owners or occupants of all such buildings, houses, establishments or properties, shall allow such officers to enter and make such inspection or examination, on penalty of a fine of not more than twenty dollars, and, in default of payment, of imprisonment not exceeding one month.

Penalty for refusal.

Laying pipes, etc.      **452.** The owners or occupants of houses, buildings or lands in the municipality, shall, whether the lighting system belongs to the municipality or to others, permit the pipes, wires, lamps and posts necessary for the lighting for public purposes to be placed on their houses, buildings or lands, saving recourse in damages, if any be occasioned thereby.

## § 12.—Heating and Power

Establishment of heating systems, etc.      **453.** The council shall have all the powers necessary for the establishment and administration of any system or systems of heating and power development by means of gas, electricity or otherwise for the use of the public, or of private persons or corporations desiring to make use thereof in their houses, buildings or establishments; and subdivision eleventh of division twelfth of this act (sections 444 to 452) shall apply *mutatis mutandis* to this subdivision.

### § 13.—*Street Railways*

- 454.** The council may make by-laws:
1. To permit, under such conditions and restrictions as it may impose, the track of any street railway to be laid in the municipality; By-laws respecting: Street railway tracks;
  2. To regulate the number of passengers to be carried in each car or vehicle used by such street railway; Number of passengers;
  3. To regulate the condition in which the cars are to be kept; Condition of cars;
  4. To regulate the use of locomotives, and of steam or other motive power on any street railway in the municipality; Use of locomotives, etc.;
  5. To prescribe and regulate the speed of the cars; Speed;
  6. To impose penalties, not to exceed four hundred dollars, upon the company managing any such railway, or any of its servants, for each violation of any of the by-laws passed in virtue of this section. Penalties.

### § 14.—*Markets*

- 455.** The council may make by-laws:
1. To establish, erect, maintain, enlarge, change or do away with public markets, or to permit their establishment under license; to establish, change, enlarge, reduce or abolish market-places, and to cause the ground wholly or partly occupied by a market or market-place to be used for any purpose determined by the council; By-laws respecting: Establishment of markets, etc.;
  2. To regulate the leasing of stalls and other places in public markets or on the public market-places; to lease and concede the use of private stalls on such conditions and at such prices as may be determined in the by-law; Leasing of stalls, etc.;
  3. To regulate the sale and exposing for sale on the markets, or on the public market-places, of any kind of articles or produce, and to prohibit the sale of certain articles in particular; Sale of produce;
  4. To regulate the kind of vehicles in which articles may be exposed for sale in the markets, or on the public market-places, and the manner of placing them; to impose a duty on such vehicles, and establish the mode in which such duty shall be collected; Vehicles on markets, etc.;
  5. To require that provisions and provender, usually bought and sold in public markets, and brought to the municipality for sale, shall be conveyed to the public markets and there exposed for sale; and that no such provisions or provender shall be offered, or exposed for sale, or be sold or Sale of goods on markets, etc.;

purchased elsewhere in the municipality than on the public markets or market-places; but the council may empower any person to sell, offer or expose for sale, beyond the limits of said markets, meat, vegetables and provisions usually bought and sold on public markets, by granting him a license for that purpose, upon payment of such sum and upon such conditions, as shall be fixed by by-law;

Market licenses;

6. To impose taxes or licenses upon all persons selling on the markets or public market-places;

Public scales, etc.;

7. To establish and maintain public scales and to collect the revenue therefor;

Supervision of scales, etc.;

8. To determine and define the duties and powers of all persons employed in superintending public scales or markets throughout the municipality, and to confer upon such officers the power of confiscating merchandise, articles, and produce in case of fraud as to measure, weight or quality; and to determine the manner in which such confiscated articles shall be disposed of;

Government of markets.

9. To determine all things connected with the government of public markets.

Power of market clerks to enter yards, etc.;

**456.** The market clerks, or any other person authorized therefor, may enter into yards and lanes for the purpose of recovering and collecting the market dues or taxes due for cattle, grain, produce, provisions and other articles brought into the municipality to be sold or delivered.

### § 15 — *Abattoirs*

By-laws respecting: Public abattoirs;

**457.** The council may make by-laws:

1. To establish, regulate and manage public abattoirs, either within or without the municipality, provided, in the latter case, that the municipality obtain the consent of the council of the municipality in which it wishes to establish such abattoirs;

Private abattoirs;

2. To regulate private abattoirs, provide for their inspection and to prohibit the establishment thereof in the municipality;

Horned cattle, etc.

3. To regulate the manner and route in and by which horned cattle and other animals shall be driven in the municipality, and the disposal of cattle intended for slaughter.

### § 16.—*Various Trades and Industries*

By-laws respecting: Trades, etc.;

**458.** The council may make by-laws:

1. To regulate the carrying on of trades and industries of all kinds not specially mentioned in this act;

2. To license and regulate butchers' stalls and shops and <sup>Butchers' stalls, etc.;</sup> stands for the sale of game, poultry, meat, fish, fruit and perishable provisions, whether by wholesale or retail, outside the markets;
3. To license, regulate, or prohibit billiards, pool, pigeon- <sup>Billiards,</sup> hole tables, bagatelle boards, ten-pin alleys, bowling alleys, <sup>etc.;</sup> and shooting galleries;
4. To license and regulate auction sales, to license <sup>Auction</sup> runners, agents and solicitors for stages, cars, vessels and <sup>sales, etc.;</sup> houses of public entertainment, and to regulate the same,
5. To license and regulate pawnbrokers, second-hand <sup>Pawn-</sup> dealers and junk dealers, and to compel all such persons to <sup>brokers,</sup> keep records of their transactions and make report thereof; <sup>etc.;</sup>
6. To license and regulate all peddlers, book-agents, <sup>Peddlers,</sup> canvassers, street hawkers, vendors and public criers doing <sup>etc.;</sup> business in the municipality;
7. To restrict and regulate the trade of hucksters and <sup>Hucksters,</sup> of persons buying articles brought into the municipality <sup>etc.;</sup> for the purpose of re-selling the same, and to impose dues and taxes on them for plying such trade, by license or otherwise;
8. To license and regulate keepers of intelligence or em- <sup>Intelligence</sup> ployment offices. and all persons doing the business of <sup>offices, etc.;</sup> seeking employment for or furnishing employees to others; and to require such persons to keep registers of their transactions and to make reports thereof;
9. To license and regulate hackmen, draymen, express- <sup>Hackmen,</sup> men, and all other persons or corporations, including <sup>etc.;</sup> tramway companies, engaged in carrying passengers, baggage or freight in the municipality; to prescribe standing places or stations within the streets or near railway stations, where the same may remain while waiting for business, and to prohibit the same from standing or waiting at any other place than the places so prescribed; to establish a tariff of fares payable to them for their services; to compel <sup>Tariff.</sup> them not to exact higher fares than those settled by the tariff, and to punish every person who hires, engages, or employs any one of them and refuses to pay him according to the tariff, and to compel them to give their services at the tariff rates to any person applying for such services;
10. To authorize and regulate the granting of licenses to <sup>Licenses for</sup> owners of vehicles used in the municipality for the delivery <sup>delivery</sup> of meat, bread, milk, ice, vegetables, groceries and any <sup>waggon;</sup> other goods, effects or merchandise, whether such owners reside in or outside the municipality, and to regulate the use of such vehicles in the municipality;
11. To prevent any person, residing outside the muni- <sup>Licensing of</sup>

- commercial vehicles of non-residents;      municipality, from carrying on his trade or business within the municipality, without taking out a license and number for each vehicle used in the municipality for the purposes of such trade or business;
- Trade licenses for non-residents;      12. To prevent any person, residing outside the municipality, from carrying on any trade or business in the municipality without being previously authorized thereto by a license, and without having paid for such license an amount of not more than two hundred dollars a year;
- Itinerant players;      13. To license or prohibit the use by itinerant players of hand-organs or other musical instruments in any or all the streets or public places;
- Sale of articles in streets;      14. To prohibit or license and to regulate the sale of any articles whatsoever in the streets and public places;
- Sale of horses, etc.;      15. To regulate the sale of horses; and to impose a tax on horses sold or exposed for sale by horse-dealers in the municipality and to fix the rates to be paid therefor;
- Ferry-men, etc.;      16. To regulate persons plying as ferrymen to and from the municipality and to establish a tariff of rates to be charged by such ferrymen;
- Teasing of wool, etc.;      17. To regulate, license or prohibit the teasing of wool, hair, and other like articles, and the collection of rags;
- Sale, etc., of bread;      18. To provide for the inspection and regulate the making and sale of bread; to prescribe the weight and quality of the bread in the loaf and the marks to be put on the loaf, and to provide for the seizure and forfeiture of bread made contrary thereto;
- Sale of articles by weight or otherwise;      19. To determine in what manner produce and all other articles shall be sold and delivered, whether by quantity, measure or weight; and to compel all persons to observe in such matters the by-laws which the council may establish;
- Confiscation of goods for deficiency in weight, etc.;      20. To authorize the seizure and confiscation of all goods or merchandise offered for sale in the municipality which may be deficient in measure or weight;
- Hay and straw, etc.      21. To provide for and regulate the place and manner of weighing hay and straw and selling the same, and measuring and selling firewood, coal and lime.

### § 17.—*Masters and Servants*

- By-laws respecting masters and servants.      **459.** The council may make by-laws to regulate the conduct of apprentices, servants, hired persons, day-laborers, and journeymen, whether they be of age or minors, towards their masters, and the conduct of masters towards the former.
- Law appli-      Failing any by-law made under this section, the provi-

sions of articles 7415 to 7436 of the Revised Statutes, shall apply within the municipality.

cable in default of by-laws.

§ 18.—*Cemeteries, Burials and Causes of Death*

**460.** The council may make by-laws:

By-laws respecting: Burials, etc.;

1. To regulate or prevent the burial of the dead within the municipality;

2. To regulate and determine the manner in which bodies may be disinterred;

Removal of bodies;

3. To regulate and control the establishment of cemeteries;

Cemeteries;

4. To cause the removal of bodies interred contrary to law, and to vacate or discontinue any cemetery, and cause the removal of any bodies interred therein;

Vacating of cemeteries, etc.;

5. To compel the persons in charge of any cemetery in the municipality, or outside thereof when the cemetery is used for interring the remains of persons dying in the municipality, to deliver to the council annual returns of the total number of persons who were in the municipality at the time of their death and were buried in such cemetery during the year;

Returns of burials;

6. To exact that, in all cases of death occurring in the municipality, a certificate be deposited in the office of the council, and that such certificate be made in the form and manner determined by the council, and also to adopt other means to obtain exact returns respecting mortality and the causes of death;

Certificates of death;

7. To authorize the medical health officer or any other officer authorized by the council, to make such inquiries as he may deem necessary, when no certificate of death has been produced, or when the certificate does not disclose the cause of death, so as to establish as precisely as possible the cause of death and other particulars which the protection of public health may require;

Inquiries when no certificate of death produced;

8. To prevent any corpse being taken out of the municipality without a special permit from the medical health officer or any other officer authorized by the council, without prejudice to the laws respecting coroners' inquests and *post mortem* examinations.

Permits for removal of bodies beyond limits of municipality.

§ 19.—*Nuisances*

**461.** The council may make by-laws:

By-laws respecting: Nuisances;

1. To define what shall constitute a nuisance and to abate the same, and to impose fines upon persons who may create, continue or suffer nuisances to exist;

- Sparks, etc.; 2. To declare the emission of sparks, cinders, soot or smoke from chimneys, and other sources, within the municipality, a nuisance, and to prescribe measures calculated to prevent it;
- Ringing of bells, etc. 3. To regulate or prohibit the ringing of bells and chimes, the blowing of whistles and the making of other noises, the ringing of bells and whistling of locomotives and steamboats and the discharge of steam, cinders, sparks and smoke therefrom.

§ 20.—*Indemnities, Relief and Rewards*

- By-laws respecting: **462.** The council may make by-laws:
- Indemnity in cases of riot, etc.; 1. To indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled, within the municipality
- Tax for that purpose; The council may levy, over and above any other tax, on the taxable property of the municipality, the amount which the municipality may be held to pay for damages occasioned to property by rioters or persons riotously assembled.
- Recovery by suit; In default of the council paying such damages within six months, according to the decision of arbitrators, the municipality may be sued before any competent court for the damages so occasioned;
- Persons injured at fires; Meritorious actions at fires, etc.; 2. To relieve any person who has received any wound or contracted any sickness or disease at a fire;
3. To grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavors to save any one from drowning or from other serious danger,
- Relief to certain families; 4. To provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavoring to save any one from a serious danger;
- Poor; 5. To contribute to the maintenance or support of poor persons residing in the municipality, who, from infirmity, age, or other causes, are unable to earn their own livelihood;
- Charitable institutions; 6. To establish and maintain houses of refuge, and other establishments for the support and relief of the destitute, and to subsidize hospitals or charitable institutions established in the municipality or elsewhere in the Province;
- Rewards for arrests; 7. To offer and give rewards for the discovery and arrest of criminals;
- Pension fund for officers; 8. To aid in the establishment and maintenance, by granting subsidies under conditions set forth in the by-law, of a pension fund for the officers and employees of the municipality;

9. To aid, by any means deemed advisable, the settle-<sup>Settlement,</sup> ment of the Province, and agriculture, horticulture, arts <sup>etc.;</sup> and sciences, in the municipality, or within the limits of the agricultural society within which such municipality is situated.

§ 21.—*Aid in the Construction, Improvement and Maintenance of Public Works or Undertakings foreign to the Municipality*

**463.** The council may make, by-laws:

1. To assist by money, granted or lent, in the construc-<sup>By-laws re-</sup> tion, repair or maintenance of any road leading to the mu-<sup>specting:</sup> nicipality, or of any bridge or public work, under the di-<sup>Aid to pub-</sup> rection of the corporation of any municipality;<sup>lic works,</sup>  
<sup>etc.;</sup>

2. To acquire, jointly with the municipal corporation of<sup>Stone-</sup> the county in which the municipality is situated, as well<sup>crushers,</sup> as with any other municipality in such county, machines,<sup>etc.;</sup> stone-crushers, rollers and engines for use in the improvement of roads, by-roads and streets within such county and the cities and towns therein; to make arrangements with the city, town, village and rural corporations of the several municipalities situated within such county, for the purpose of allowing them the use thereof for their roads, by-roads and streets, and to fix the price for and the conditions of their use, or to give them the use thereof gratuitously;

3. To aid in opening up and improving the colonization<sup>Aid to colo-</sup> roads declared by the Lieutenant-Governor in Council to be<sup>nization</sup> colonization roads of the second or third class, in which the<sup>roads;</sup> municipality has been declared to be interested, in virtue of any law respecting colonization roads;

4. To aid in the construction of any bridge, causeway,<sup>Aid to pub-</sup> pier, wharf, slide, macadamized or paved road, railway, or<sup>lic work,</sup> other public works, situated in whole or in part within the<sup>etc.;</sup> municipality or in its vicinity, undertaken and built by any incorporated company, or by the Provincial Government or by any person:

- a. By taking and subscribing for shares in any company formed for such purpose;
- b. By giving or lending money or securities, or by giving the ownership or enjoyment of any immoveable property to such company or to the Provincial Government or to such person;
- c. By guaranteeing by endorsation or otherwise any sum of money borrowed by such company or by such person;

- d. By exempting from the payment of municipal taxes, assessments and dues, any railway company or companies having a station or stations within the municipality, in accordance with the provisions of articles 5924, 5925 and 5926 of the Revised Statutes, 1909.
- Telegraph lines. etc.; 5. To subscribe for or hold stock in any company formed for the purpose of constructing telegraph or telephone lines;
- Aiding in building of bridges: 6. To supply money to help in the building of bridges, built with the assistance of the Government of the Province and according to plans approved by the Department of Public Works and Labour, or by the Department of Colonization, Mines and Fisheries, either in the municipality or in any other municipality;
- Id., as to maintenance of bridges. 7. In the same way to aid in the maintenance of such bridges for the future.
- Approval of certain by-laws. **464.** Every by-law, passed in virtue of subsections 4 and 5 of section 463, shall, before coming into force and effect, be approved by the electors of the municipality who are proprietors of immovable property and by the Lieutenant-Governor in Council.
- Conditions of assistance. **465.** By-laws, made in virtue of section 463, may determine the conditions under which the assistance or subscription for shares is authorized.

§ 22.—*Free Public Libraries, etc.*

- Council may, by by-law, establish free public libraries, etc. **466.** The council may make by-laws to establish and maintain in the municipality free public libraries, library associations, mechanics' institutes, reading-rooms and public museums for historical, literary, artistic or scientific purposes; or to aid in the establishment or maintenance of such institutions in the municipality or in adjacent municipalities, on such conditions as may be imposed by the municipality.

§ 23.—*Census*

- Council may by by-law, provide for taking census. **467.** The council may make by-laws to take a census of the inhabitants of the municipality, for the purpose of ascertaining their number, and of obtaining statistics regarding their social and economic condition.

§ 24.—*Municipal Finances*

- Revenues **468.** The revenues of the municipality shall consist of

the moneys derived from the taxes and licenses which this of municipality. act and the charter authorize it to levy, of those derived from property owned by it, and of such other moneys as are paid to it under the law or by-laws.

**469.** All sums of money not especially appropriated shall form part of the general funds of the municipality. General funds.

Saving the case provided in article 5956t of the Revised Statutes, 1909, whenever the municipality has collected a sum exceeding the sum required for the purposes for which such sum was raised, the surplus shall belong to the municipality and shall fall into the general funds thereof. Surplus.

**470.** All sums of money, forming part of the general funds of the municipality, may be employed for any purpose within the jurisdiction of the council. Employment of general funds.

**471.** The council may make such by-laws as it may deem expedient for the management and administration of its finances, and determine by whom and subject to what formalities payments out of the funds of the municipality shall be made. Administration of finances.

**472.** All fees, licenses, fines, revenues, and taxes accruing or belonging to the municipality, shall be paid to and received by the treasurer alone, or by the officials designated by him for that purpose; and no other official shall, under any pretext, receive them, unless specially authorized by the council so to do. Treasurer alone to receive fees, etc.

**473.** The fiscal year of the municipality shall begin on the first of January and end on the 31st of December of each year, and the taxes and yearly assessments shall be payable at the dates determined by the council. Fiscal year.

#### § 25.—Valuation Roll

**474.** The assessors shall each year, at the time and in the manner ordered by the council, assess the taxable property of the municipality, according to its real value. Annual valuation.

The council may, by resolution, relieve the assessors from the duty of making a valuation roll of the taxable property oftener than every three years; and, in such case, the council shall revise the roll every year or cause it to be revised by the assessors as it deems expedient, giving the same notices and delays as for the making of the valuation roll. Preparation and revision of roll.

The assessors shall also make the valuation of the annual value of such property, and enter it in the roll in a separate column. Annual value to be entered.

Entry of tenants.

They shall also enter in the roll the names of all tenants and the amount of annual rent paid by each of them.

Other entries.

**475.** The assessors shall enter on the roll all other information required by the council.

Assessors to estimate annual value of immoveable property.

**476.** When the rent agreed upon for such property does not represent the annual value, the assessors shall enter on the valuation roll the real annual value, which alone shall serve as a basis for the imposition of the tax on tenants and occupants.

What real estate taxable.

**477.** The actual value of the real estate in the municipality assessable for purposes of taxation shall comprise lands and buildings, work-shops and machinery and their accessories thereon erected, and all the improvements made thereto.

Statement of value of property to be estimated by railway companies.

**478.** Railway companies which possess immoveable property in the municipality, shall transmit to the office of the council, in May in each year, a return showing the actual value of their immoveable property in the municipality, other than the road, and also the actual value of the land occupied by the road, estimated according to the average value of neighboring lands without regard to the grading, rails or bridges used for the road.

When to be communicated to assessors, etc.

Such return must be communicated to the assessors by the clerk in due time. Nevertheless, the assessors may fix another value than that mentioned in the return, and, in such case, shall forward a notice to the head office of the company in the Province.

Designation in cases of valuation of property held by joint owners, etc.

**479.** When the assessors assess immoveable property possessed in undivided shares or the partition whereof has not been registered in the registry office, they may designate such property under the name of one of the co-proprietors, or as belonging to the estate of such a one, according to the circumstance; and the co-heirs, in the case of a succession, or co-proprietor, so named, as the case may be, shall be held to pay the tax, saving their or his recourse against any other person liable therefor.

Owner unknown.

**480.** If the owner of any lot of land be unknown, the assessors shall insert the word "*unknown*", in the column of names of owners, opposite the description of such lot of land.

Persons bound to answer as-

**481.** Every person who is subject to taxation on account of his employment, profession or business, and every

proprietor, tenant or occupant of any assessable property or object, shall be obliged to answer correctly all questions put by the assessors upon this subject and to give all necessary and possible information.

If any such person refuse to answer the questions put to him, or if he knowingly give incorrect answers, he shall be liable to a fine of not more than twenty dollars nor less than eight dollars, or to imprisonment for not more than one month.

**482.** The valuation roll shall be signed by at least two of the assessors who drew it up or caused it to be drawn up, and by the clerk or any other person whom they employed as secretary.

**483.** The assessors shall deposit the valuation roll in the office of the council, immediately after its completion, and public notice of such deposit shall be given by the clerk, during the two days following.

The notice shall state that the roll will remain open to the examination of parties interested, or their representatives, for the thirty days next following its deposit.

**484.** During such time, any person who, thinks himself entitled to complain, for himself or for another, of the roll as drawn up, may appeal therefrom to the council, by giving for that purpose a written notice to the clerk stating the grounds of his complaint and, if he complains that the valuation of the property is too high, he shall mention, in the notice, the amount of the valuation considered by him to be just.

**485.** The council, at its first general sitting after the expiration of the thirty days mentioned in section 483 shall take into consideration and decide all the complaints made under section 484.

After having heard the parties and their witnesses, under oath administered by its presiding officer, as also the assessors if they wish to be heard and the witnesses produced on behalf of the municipality, the council shall maintain or alter the roll, as it may deem just.

**486.** In all cases, the council shall proceed, at such sitting, which it may adjourn as often as may be necessary, to revise and homologate the roll, whether it be complained of or not.

It may also correct the form of the language used.

Declaration of homologation.

**487.** After all the complaints fyled have been decided, the council shall declare the roll homologated; and the roll so homologated shall remain in force, until the coming into force of a new roll.

Property omitted from roll.

**488.** If any property be omitted from the roll prepared by the assessors, the council may order such officers to value such property and to add it to the roll.

Homologation in such case.

In such case, the roll cannot be homologated until special notice of eight days, in relation to such addition, has been given to the owner, who may, within such delay, fyle his complaint against the valuation, and be heard before the council at the time of such homologation.

Reduction in property entered on roll.

**489.** If, after the valuation roll has been declared homologated, any property is considerably diminished in value, either by fire, the pulling down of buildings, or any other cause, the council may, on petition of the owner, cause the valuation of such property to be reduced to its real value.

Default to act within delay.

**490.** The failure of the assessors or of the council to act within the time prescribed, shall not prevent the completion or homologation of the roll thereafter.

Change of owners.

**491.** After every change of owner or occupant of any lot of land set forth in the valuation roll in force, the council, on a written petition for that purpose, and upon sufficient proof, may erase the name of the former owner or occupant, and enter on such roll the name of the new one.

Roll set aside.

**492.** Whenever the valuation roll has been set aside, the former roll shall revive and shall avail until a new valuation roll comes into force.

Appeal

**493.** An appeal shall lie to the Circuit Court of the county or of the district, or to the District Magistrate's Court:

From decision of council;

1. From any decision of the council under sections 485, 486, 488, 489 or 491, within thirty days from such decision, whether the council rendered same of its own accord or upon a complaint or petition fyled in virtue of such sections;

From neglect, etc., of council to take cognizance of complaint.

2. Whenever the council has neglected or refused to take cognizance of any written complaint made in virtue of section 484, or of a petition presented in virtue of sections 489 or 491, within thirty days after the sitting at which it should have taken cognizance thereof.

How appeal brought.

**494.** The appeal shall be brought before the court

by a simple notice served by a bailiff on the clerk of the municipality, personally or at his domicile. Service of notice.

**495.** A duplicate of such notice, with the certificate of the service thereof, shall be returned into the office of the court within five days after service. Production of duplicate, etc., in office of court.

**496.** Within ten days after the service of the notice, all the documents relating to the matter must be produced at the office of the court at ten of the clock in the forenoon by the clerk of the municipality, under a penalty of not more than twenty dollars, which may be imposed in open court. Production of documents. Penalty.

**497.** As soon as the ten days mentioned in section 496 have expired, the case must be placed by the clerk upon the roll for proof and hearing, and may be heard on the fifth juridical day after such inscription or on any other day fixed by the judge. Inscription upon roll and hearing.

**498.** The case shall be heard by privilege. Case privileged.

**499.** The court may, by its judgment, confirm the decision appealed from, annul or amend the same, or render such decision as the council ought to have rendered, or order it to exercise the functions respecting which recourse is had. Judgment.

**500.** The decision may be set aside only when a substantial injustice has been committed, and never by reason of any trifling variance or informality. Decision not to be set aside for informalities.

**501.** The court, in adjudicating upon the appeal, may condemn either party to costs; and, if the decision appealed from be modified, it may order its judgment to be served upon the municipality, and such judgment shall be final and executory. After the judgment upon the appeal, all original documents transmitted by the municipality in consequence of the appeal shall be returned to the latter. Costs. Service of judgment. Return of documents.

**502.** Every appellant, who neglects to prosecute effectually the appeal, shall be deemed to have abandoned the same, and the court, on application by the respondent, may declare all the rights and claims founded on the said appeal forfeited, with costs in favour of the respondent, and order the transmission of the record to the municipality. If appeal not diligently prosecuted.

**503.** When the real estate tax based on the municipal valuation so contested amounts to five hundred dollars, Appeal from valuation.

there shall be an appeal from the final decision of any court to the Court of King's Bench, whose decision shall be final.

How brought.

Such appeal shall be brought in the same manner as an appeal from a decision of a recorder or a Recorder's Court, under articles 7573 to 7580 of the Revised Statutes, 1909, *mutatis mutandis*.

Taxes on uncontested portion, in case of appeal.

**504.** When an appeal respecting a valuation has been brought in virtue of section 493; and the decision of the Court has not been rendered on such appeal at the time when the tax collection roll based upon the valuation roll is being made, the treasurer of the municipality shall establish the amount of taxes payable by the appellant on the undisputed portion of the valuation and make an entry thereof under his signature, in the margin of the roll, opposite the appellant's name.

Entry thereof.

Payment thereof.

The amount of taxes so established shall become payable as if no appeal had been brought, but without prejudice to the appellant's rights as to the portion of the valuation in contestation.

Pending cases.

As regards cases pending on the 29th day of December, 1922, the treasurer of the municipality shall determine, in the same manner, the amount of taxes payable by the appellant on the uncontested portion of the valuation, and such amount of taxes, so established, shall become payable after a notice in writing, served upon the appellant, with interest from the date when such tax would have been payable if no appeal had been brought.

## § 26.—*Taxes and Licenses*

### *I.—General Provisions*

Additional taxes.

**505.** The council may, by resolution, whenever it thinks fit, authorize the clerk or any other officer to add to the amount of any taxes to be levied on taxable property in the municipality, a sum of not more than ten per cent, to cover losses, costs and bad debts.

Taxes to bear interest.

**506.** Taxes shall bear interest, at the rate of six per cent per annum, from maturity, without its being for such purpose necessary that a special demand for payment be made.

Taxes, etc., cannot be remitted.

Subject to section 561 neither the municipal council nor its officers can remit any taxes or the interest thereon.

Taxes to be privileged, etc.

**507.** Municipal taxes and interest due thereon shall be privileged claims which need not be registered.

**508.** Arrears of municipal taxes shall be prescribed by three years. Prescription  
of taxes.

*11.—Property not Taxable*

**509.** 1. The following property shall not be subject to taxation: Property  
not taxable.

- a. Lands belonging to His Majesty or held in trust for the service of His Majesty;
- b. The property of the Federal and Provincial Governments and the municipal corporation;
- c. That belonging to *fabriques* or religious, charitable or educational institutions or corporations, or occupied by such *fabriques*, institutions or corporations for the purposes for which they were established and not possessed by them solely for the purpose of deriving a revenue therefrom;
- d. Property possessed and used for public worship, episcopal residences, presbyteries, parsonages and cemeteries, and their dependencies;
- e. Immoveables used for libraries open to the public free of charge;
- f. All educational establishments which receive no grant from the municipality where they are situate, as well as their dependencies and the lands on which they are erected.

2. The exemptions mentioned in paragraph 1 of this section shall not apply to persons occupying, under a title other than that of proprietor, immoveable property belonging to His Majesty or to the Federal or Provincial Government, who shall be assessed as if they were the actual proprietors of such immoveables, and be liable for the payment of the general and special real estate taxes. Application  
of the  
exemptions.

3. The proprietors and occupants of the property mentioned in paragraphs *c*, *d*, *e* and *f* of paragraph 1 of this section shall nevertheless be bound for the cost of the works required for the maintenance of the streets situate opposite said property in the municipalities where such streets are not, wholly or in part, at the charge and expense of the municipality, under the provisions of this act. Said property shall nevertheless be taxable for public lighting, for the purchase and maintenance of fire-fighting apparatus, and for the use of water. Certain  
proprietors  
and occu-  
pants to be  
liable for  
certain  
taxes, etc.

They shall also be taxable for the opening and maintenance of streets, when such work is wholly or in part at the charge and expense of the municipality, provided that the opening or maintenance work on streets dependent on such property be assumed by the municipality. Idem.

Basis of tax. For the purposes of this paragraph 3, only the actual value of the lands shall be considered, notwithstanding the provisions of section 477, to establish the tax to be imposed on the property mentioned in paragraphs *c*, *d*, *e* and *f* of paragraph 1 of this section.

III.—*Imposition of Taxes, etc.*

Annual tax upon immoveables and amount thereof. **510.** The council may impose and levy, annually, on every immoveable in the municipality, a tax of not more than two per cent of the real value as shown on the valuation roll.

Approval for further taxes. Except the special taxes it is empowered to levy under this act or other special or general laws, when the tax imposed under this section amounts to two per cent of the real value of the taxable immoveables, as shown on the valuation roll, the council cannot impose further taxes without the authorization of the Lieutenant-Governor in Council, upon the recommendation of the Minister of Municipal Affairs.

Taxation of farming lands. **511.** All land under cultivation or farmed or used as pasture for cattle, as well as all uncleared land or wood lots within the municipality, shall be taxed to an amount of not more than one per cent.

Additions to roll in certain cases. The council may cause to be added to the valuation roll, from time to time, by the assessors in office on the valuation by them made, any portion of such land or immoveable, which has been detached therefrom as a building lot, and shall thus have become liable to taxation after the closing of the valuation roll, and may exact the said tax as upon all other lots entered on the said roll.

Council may levy annually a tax: On stock in trade; **512.** The council may impose and levy annually: 1. On the stock in trade of all descriptions kept by merchants and dealers and exposed for sale in shops, or kept in vaults, warehouses or store-houses; on all yards or depots for rough, sawn or manufactured wood or lumber; and on all yards or depots for coal or other articles of commerce kept for sale, a tax of not more than one per cent on the estimated average value of such stock in trade or other articles of commerce.

On tenants; 2. On all tenants paying rent in the municipality, an annual tax of not more than eight cents in the dollar on the amount of their rent or of the annual value of the property as entered on the valuation roll.

On occupants. Every person, occupying property or part of any property of which he is neither the owner nor the lessee, shall be liable for the payment of this tax.

**513.** The council may impose and levy an annual tax, Tax on stallions, etc. to be fixed by by-law, on every stallion kept for breeding, on every horse aged three years and over, on every bull kept for breeding, on every other head of horned cattle over two years of age, on every dog and on every vehicle kept in the municipality.

**514.** The council may impose and levy on every male Poll-tax. inhabitant of the age of twenty-one years and over, who has resided in the municipality for six months, and who is not liable to the payment of any other tax under this act, an annual tax of two dollars.

**515.** In addition to the taxes provided for in section Tax on trades, etc. 512, the council may establish, impose and levy certain annual dues or taxes on all trades, manufactures, financial or commercial establishments, occupations, arts, professions, callings or means of earning a profit or a livelihood, carried on or followed by one or more persons, firms or corporations in the municipality, provided that such duties or taxes do not exceed in any case the sum of two hundred dollars per annum. Such dues or taxes may be different for persons who have not resided in the municipality for twelve months than for persons who reside therein, provided that such dues and taxes on non-residents shall not exceed the others by over fifty per cent.

**516.** Every special tax imposed under section Special tax may be in the form of license. 515 may, in the discretion of the council, be imposed and levied in the form of a license; and thereupon such tax shall be payable annually, at such time and under such conditions and restrictions as the council may determine.

**517.** In addition to the taxes mentioned in the foregoing sections of this subdivision, the council may also im- Further taxes authorized by this act. pose such taxes as are otherwise authorized by this act.

**518.** Every tax imposed by virtue of the foregoing provisions shall be payable annually and at the time fixed Mode of payment. by the by-laws.

**519.** The cadastral number given to immoveable Cadastral number sufficient to describe property. property upon the official plan and in the book of reference for the territorial division in which such property is situated shall, for taxation purposes, be a sufficient description and identification of such property in the valuation and collection rolls.

**520.** Whenever the subdivision of any property has When prop-

erty is sub- not been registered in the registry office for the registra-  
divided. tion division within which such property is situated, the  
assessors may assess it as a whole, without taking any  
notice of the subdivision, and the corporation may levy the  
tax on the whole or on any part of such property; but if a  
subdivision thereof has been registered, the assessors shall  
assess each subdivided lot separately, and the taxes shall  
be imposed on each of the lots according to its valuation.

Tax exigible **521.** The tax imposed in virtue of section 515 shall  
for each be payable for every business establishment, and for every  
establish- kind of business or occupation, when carried on by the  
ment. same person, firm or company in two or more distinct and  
separate buildings or places of business.

Subroga- **522.** Any person, not being the owner, who pays  
tion in favor municipal taxes imposed in consideration of the land which  
of person he occupies, shall be subrogated without other formality, in  
paying for the privileges of the municipality on the moveable or im-  
proprietor. moveable property of the owner, and may, unless there be  
an agreement to the contrary, withhold from the rent or  
from any other debt which he owes him, or recover from  
him by personal action, the amount which he has paid in  
principal, interest and costs.

Parties to be **523.** Municipal taxes, imposed on any land, may be  
held to pay collected from the tenant, occupant or other possessor of  
taxes. such land as well as from the owner thereof, or from any  
subsequent acquirer of such land, even where such tenant,  
occupant, possessor or acquirer is not entered on the  
valuation roll.

Tax on **524.** In the case of any tax imposed on any firm or  
partners partnership, in respect of the business of such firm or part-  
nership, such tax may be claimed and recovered in full  
from any member thereof.

Collection **525.** The council may pass such by-laws as may be  
of special necessary to enforce the collection of any special tax im-  
tax. posed in virtue of this act.

Effect of **525.** Nevertheless a sale by the sheriff or any other sale  
sheriff's sale. having the effect of a forced sale shall not free an immove-  
able from the taxes and special assessments imposed on  
such immoveable which are not yet due.

Collection **526.** The council shall, on the requisition of the  
of school school commissioners or trustees of any school municipal-  
tax. ity situated within the municipality, accept the school as-  
sessment roll or the certified extract therefrom presented

by them, and order the treasurer to collect such taxes, in the same manner and at the same time as municipal taxes.

IV.—*Collection roll and collection of taxes*

**527.** The treasurer shall make a general collection roll, each year, at the time fixed by the council, including all taxes, both general and special, then imposed, mentioning them separately. General collection roll.

He shall also make a special collection roll whenever any special tax has been imposed, after the making of the general collection roll, or whenever he is ordered so to do by the council. Such special roll shall exist as a separate roll, only until the date fixed by the council for the preparation of the new general roll, and it must then be included in the new general roll which the treasurer shall prepare. Special roll.

**528.** If the municipal council has ordered, by resolution, that the collection of school taxes be made at the same time and in the same manner as municipal taxes, the treasurer shall enter in the general collection roll the amount of such taxes, collect them and remit them forthwith to the secretary-treasurer of schools. In such case actions to recover taxes are to be brought by the municipal corporation. Collection of school taxes.

**529.** The treasurer, after having completed the collection roll, shall give public notice announcing that the general collection roll, or the special roll, as the case may be, has been completed and is deposited in his office, and requiring all persons, bound to pay the sums therein mentioned, to pay the same at his office, within the twenty days following the publication of such notice. Notice of deposit of roll.

**530.** After such twenty days, the treasurer shall make a demand of payment of all sums entered in the collection roll, and remaining uncollected, from the persons liable for the same, by serving or causing to be served upon them personally, or at their domicile, a special notice to that effect, accompanied by a detailed statement of the sums due by them. Demand of payment.

Until the fee for the service of such notice is fixed by the council, the treasurer shall be entitled to twenty-five cents for such service. Fee therefor.

V.—*Seizure and sale of moveables for non-payment of taxes*

**531.** If, after the fifteen days next following the demand made under section 530, the sums due by the persons Seizure and sale of moveables.

entered on the collection roll have not been paid, the treasurer may levy them, together with costs, by seizure and sale of the moveables liable to seizure of such persons which may be found in the municipality.

**Warrant to that effect.** **532.** Such seizure and sale shall be made under a warrant signed by the mayor, addressed to a bailiff and executed by that officer, under his oath of office, according to the same rules and under the same responsibilities and penalties as a writ of execution *de bonis* issued by the Circuit Court.

**Responsibility.** The mayor, in giving and signing such warrant, shall not incur any personal responsibility; but shall act under the responsibility of the municipality.

**Closed doors, etc.** **533.** If the debtor be absent, or if there be no person to open the doors of the house, cupboards, chests or other closed places, or in the event of a refusal to open the same, the seizing officer may, by an order of the mayor or of any justice of the peace, be empowered to cause the same to be opened by the usual lawful means, in presence of two witnesses, with all necessary force, without prejudice to coercive imprisonment if there be refusal, violence or other physical obstacle.

**Stoppage of sale.** **534.** The sale may only be stopped by an opposition before the Magistrate's Court, the Circuit Court for the county or district, or the Superior Court, according to the amount claimed, where an opposition to the seizure of moveables is permitted by the Code of Civil Procedure. Such opposition must be accompanied by an order to suspend signed by the judge, magistrate, prothonotary or clerk of the court. It shall be returnable in eight days and is proceeded upon and decided according to the rules of the Code of Civil Procedure.

**Procedure.**

#### VI.—Suits for Recovery of Taxes

**Suit for recovery of taxes.** **535.** The payment of municipal taxes may be also claimed by an action brought in the name of the corporation, before the Magistrate's Court, or the Circuit Court for the county or district, or before the Recorder's Court, if there be one.

**Sale by the sheriff, etc. subject to be redeemed.** The sale of an immoveable by the sheriff or other officer, in execution of a judgment in such an action, is subject to its being redeemed, in the same manner and same delay as sales by the clerk of the municipality.

**Suspension of suit, in** The defendant may obtain the suspension of such action, if the rolls, by-laws, minutes or other municipal deeds on

which it is founded are attacked in nullity before the Superior Court. Such suspension shall be ordered by the Superior Court seized of the contestation, in its discretion.

**536.** An appeal shall lie to the Court of King's Bench from the final decision in actions brought in virtue of section 535, if the sum claimed exceeds five hundred dollars.

Such appeal is brought in the same way as the appeal from decisions of the Recorder and of the Recorder's Courts under articles 7573 to 7580 of the Revised Statutes, 1909, *mutatis mutandis*.

VII.—*Sale of Immoveables for Non-payment of Taxes*

**537.** After the expiration of six months next after the notice of deposit of the collection roll, the treasurer shall draw up a statement showing the immoveables on which the taxes assessed have not been paid, in whole or in part, either because the person owing them does not reside in the municipality or because the seizure and sale of moveables did not yield sufficient to pay them.

**538.** The council, after examining the statement filed by the treasurer, may order the clerk to sell such immoveables at public auction, at the office of the council or at any other place mentioned in the order, in the manner hereinafter prescribed.

**539.** Within fifteen days of the order of the council, the clerk shall give public notice of the day, hour and place where the sale by auction will be held. The notice shall contain a description, according to the provisions of article 2168 of the Civil Code, of the immoveables the sale whereof is so ordered, and it shall be posted up at the places fixed by the council for publication of municipal notices.

If the publication of municipal notices be made in newspapers in accordance with section 362, the clerk shall post up the notice of sale in two public places in the municipality.

**540.** Such notice shall also be published twice in French and English in the *Quebec Official Gazette* and twice in one French and one English newspaper, if any there be, published in the district. The sale cannot be held before the expiration of the fifteen days following the last insertion in the *Quebec Official Gazette*.

At the time of the first publication of the notice, the clerk must transmit a copy thereof by registered letter to

the registrar of the registration division in which is situated the immovable advertised for sale, and it shall be the duty of the registrar to notify interested parties in the manner indicated by the Civil Code.

Officer in default liable to damages.

Failure to notify the registrar shall not render the proceedings null, but the officer so in default shall be responsible for all damages resulting therefrom.

Notice to registrar that sale did not proceed.

When the sale of an immovable mentioned in the list and notice above mentioned is not proceeded with, the clerk in charge of such sale must inform the registrar thereof by registered letter.

Proceedings at sale.

**541.** At the time appointed for the sale, the clerk or some other person acting for him, shall sell to the highest bidder, the immovables described in the notice upon which taxes are still due, after making known the amount to be raised on each of such immovables, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt. The immovables shall be put up and sold separately, in the order in which they are given in the notice.

Price of adjudication to be paid at once. If not so paid.

**542.** The purchaser shall pay the amount of his purchase money immediately.

In default of immediate payment, the person making the sale shall, either at once put up the immovable again for sale, or adjourn the sale to the following or any other day within eight days, by giving all persons present notice of such adjournment in an audible and intelligible voice.

Certificate to be given to purchaser.

**543.** On payment by the purchaser of the amount of his purchase money, the clerk shall set forth, in a certificate made in duplicate and signed by himself, the particulars of the sale, and deliver a duplicate of such certificate to the purchaser.

Effect thereof.

**544.** The purchaser shall thereupon be seized of the immovable adjudged, and may enter into possession thereof, subject to the same being redeemed within the

Timber, etc., not to be carried off.

year following, but shall not remove timber nor the buildings therefrom during the said year.

List of immovables sold transmitted to the registrar.

**545.** Within the eight days following the adjudication, the clerk shall transmit to the registrar a list of the immovables so sold for municipal taxes, with the name of the purchaser of each of such immovables.

Distribution of proceeds

**546.** The proceeds of the sale of each immovable shall be deposited in the office of the prothonotary of the

Superior Court for the district, for distribution according to law. when sale by clerk.

The prothonotary, after distribution of the monies, shall deposit in the registry office a certified copy of the judgment of distribution, for the purpose of cancelling totally or partially the registration of the claims, privileges or hypothecs which have been paid in whole or in part. Cancelling of the registration of debts.

**547.** If, within one year from the day of the adjudication, the immoveable adjudged has not been bought back or redeemed, according to the following provisions, the purchaser shall become the absolute owner thereof. If not redeemed within certain time.

**548.** Such purchaser, upon exhibiting the certificate of his purchase and upon proving the payment of all municipal and school taxes which in the meantime have become due thereon, shall be entitled, at the expiration of one year's delay, to a deed of sale from the council. Deed of sale from council.

**549.** The deed of sale shall be executed in the name of the municipality, by the mayor or by the clerk, by deed before a notary. In whose name executed.

**550.** All the rights acquired by the purchaser shall pass to his heirs or legal representatives. Rights of purchaser.

**551.** The sale made under the above provisions shall convey the ownership of the immoveable adjudged. Sale conveys ownership of land.

**552.** It shall vest in the purchaser all the rights of the original owner, and purge the immoveable from all privileges and hypothecs to which it may be subject, except the claim for special taxes imposed on the immoveable and not yet due, claims to constituted ground rents, to seigniorial rights, to rents substituted therefor, to school taxes or assessments and also the sums due to trustees for the assessments imposed upon the said immoveable to defray the expenses of building or repairs to churches, vestries, parsonages and burial grounds; but the arrears of the rents, taxes and assessments above mentioned, due before the sale, shall be extinguished by the sale, unless there has been lodged in the office of the council, at least eight days before the sale, a certified account of such arrears, taxes or assessments. Vests in purchaser certain rights and purges certain claims.

The registration of the deed of sale shall effect the cancellation of the registration of the privileges and hypothecs registered against the immoveable which are discharged by the sale. Effect of registration.

VIII.—*Redemption of immoveables sold for taxes.*

**553.** An immoveable sold for taxes may be redeemed by the owner or his legal representatives, at any time within the year following the day of adjudication, by paying to the purchaser the price of sale, including the cost of the certificate of adjudication, with interest at the rate of ten per cent per annum, a fraction of a year being counted as whole year.

**554.** The owner is then entitled to obtain from the purchaser, but at his own cost, a deed before a notary establishing the reimbursement of the monies and the redemption of the immoveable.

The registration of an authentic copy of such deed restores to him the right of ownership of the immoveable possessed by him at the time of sale, subject to the privileged and hypothecary debts, which encumbered it at that date, less what was paid on them by the distribution of the proceeds of the sale.

**555.** Any person whether authorized or not may redeem or recover such immoveable in the same manner, but in the name and for the benefit only of the person who was the proprietor thereof at the time of the adjudication.

**556.** The person so redeeming, is entitled to be reimbursed, by the proprietor, the amount he has paid, with interest at eight per cent. The redemption deed, after registration, gives him a privilege on the immoveable for the reimbursement of his money, ranking after municipal taxes, notwithstanding the provisions of article 2009 of the Civil Code.

IX.—*Purchase by the municipality of immoveables sold for taxes.*

**557.** The city or town municipality, in which the immoveables to be sold for municipal or school taxes are situated, may bid upon and purchase such immoveables, through the mayor or another person, upon the authorization of the council, without being obliged to pay the amount of adjudication immediately.

The municipality's bid shall not, however, in any case, exceed the amount of the taxes, in capital, interest and costs, for the payment whereof the immoveable is put up for sale.

**558.** The city or town causes to be entered in its name the immoveables so purchased, in the valuation and col-

lection rolls and special apportionment rolls, and taxes them like any other taxable immoveable, and such immoveables shall remain liable for municipal and school taxes as any other immoveables and shall be assessed the same.

If the right to redeem be exercised, the redemption price shall include, over and above the amount paid by the municipality for the immoveable, and the interest at ten per cent thereon, the amount of general or special municipal and school taxes assessed on such immoveables from the date of the adjudication to the date of the redemption, or the instalments due on such taxes if they are payable by instalments, as well as the sums of money due to the municipality for taxes unpaid by the distribution of the proceeds of the sale.

After the redemption, the instalments of special taxes not yet due shall continue to affect the immoveable deemed, and the proprietor shall be liable therefor.

**559.** If the redemption be not exercised within the year from the adjudication, the clerk shall draw up and sign a deed of sale in favour of the municipality, and have it registered.

**560.** Immoveables so purchased by the municipality, which have not been redeemed, shall be sold, either at auction or at private sale, as the council may order by resolution, within the year next after the expiration of the delay in which redemption might have been exercised. The Minister of Municipal Affairs may, however, extend such delay, at the request of the council, for reasons that he may deem sufficient.

#### § 27.—*Exemption from Taxation*

**561.** The council may, by resolution, exempt the poor of the municipality from the payment of taxes.

#### § 28.—*Loans*

**562.** The corporation may borrow various sums of money for improvements in the municipality, and generally for all objects within its jurisdiction.

**563.** Saving the provisions of section 586, and other cases specially regulated by law, every loan shall be previously authorized by a by-law of the council, approved by the electors who are proprietors of taxable immoveables

and by the Lieutenant-Governor in Council, in the manner and according to the formalities hereinafter prescribed.

- Contents of by-laws.** **564.** The by-law authorizing a loan shall specify the amount of the loan and the purposes for which the sum to be borrowed is to be used.
- In case of debt.** If it be to pay a debt, the by-law shall state the name of the creditor, the cause of the obligation, the date when incurred and when it falls due.
- In case of works.** If it be for the execution of works, the by-law shall indicate them and give an estimate of them or refer to the by-law ordering them.
- Mode of repayment.** **565.** The by-law must also specify the mode of repayment and the date of maturity of the loan.
- Period for repayment.** Unless a special authorization has been obtained from the Lieutenant-Governor in Council, before the passing of the by-law by the council, the period for repayment must not exceed the period of time fixed by article 5956*g* of the Revised Statutes, 1909.
- Maximum period.** In cases not provided for by the said article 5956*g*, the maximum term shall be ten years; but the Minister of Municipal Affairs may authorize a longer term, which, however, shall not exceed thirty years, if it be proved to him that the loan is intended to pay the cost of permanent works.
- Rate of interest.** **566.** The rate of interest shall not exceed six per cent per annum.
- If the loan is made by issue of bonds.** Whenever a by-law authorizes a loan by the issue of bonds, the Minister of Municipal Affairs may allow the municipality to borrow at a rate of interest lower than that fixed by the by-law, if it be proved to him that the change is to the advantage of the municipality.
- Interest and sinking-fund.** **567.** The by-law ordering a loan must also provide, in accordance with the following rules, for the payment of the interest and for the establishment of a sinking-fund.
- How the sinking-fund is established.** The sinking-fund may be established, either by means of a special tax imposed by the by-law and levied annually on the real estate in the municipality for the period of the loan, or by annually setting aside for that purpose a portion of the general revenues of the corporation. In both instances, the sum paid each year into the sinking-fund must be sufficient to yield, with compound interest thereon at the rate of three and one-half per cent per annum, the capital to be repaid at maturity.
- Levying of** The sum necessary for the payment of interest may

likewise be taken from the general revenues, or levied annually by a special tax imposed by the by-law on the immoveables of the proprietors liable for the payment of the loan. the necessary amount to pay interest.

Nevertheless, no municipality may, to pay the interest and establish the sinking-fund, use more than one-half of the ordinary revenues from the general taxes it is empowered to impose under sections 510 and following, and the excess it may need for such purposes must be levied by means of a special tax on immoveables. Special tax in certain cases.

**568.** If the loan be reimbursable in yearly or half-yearly payments or by annuities, the monies destined for the sinking-fund shall be used each year for the repayment of a part of the principal of the loan. When the loan is repayable otherwise than by yearly or half-yearly payments or by annuities, such sums of money shall be deposited or invested in accordance with the provisions of articles 1493a and following of the Revised Statutes, 1909. Use and deposit of the sums for the sinking-fund.

Whenever it is obligatory to deposit the sinking-fund in the office of the Provincial Treasurer, and the deposit has not been made as prescribed, the Comptroller of Provincial Revenue, as well as any trustee, bondholder, ratepayer or any other interested party, may, by an action in law, compel the municipality to make such deposit, and in case a judgment to that effect is obtained against the municipality, the provisions of this act, respecting the execution of judgments against municipal corporations and contained in sections 617 to 630, shall apply. Action in law to compel to deposit.

**569.** Except in the cases provided for in section 576, the municipality may effect loans by an issue of bonds, signed by the mayor and by the clerk, and bearing the seal of the corporation. Bond issue.

Such bonds may be made payable to a named holder, to his order or to bearer. They shall be payable at the dates fixed by the by-law, and shall bear interest payable semi-annually at the dates also fixed by the by-law. How paid.

The bearer bonds may be transferred by delivery.

The bonds payable to any person and the bonds payable to any person or order may be transferred by endorsement. After general endorsement thereof by such person they shall be payable to bearer and be transferable by delivery. Transfer by delivery. Id., by endorsement, etc.

If such bonds are payable to bearer or to the registered holder, they shall be transferable by delivery until registered in the name of the bearer or holder. After they have been registered in the name of a specified person, they may be transferred by a subsequent registration. Transfer of bonds payable to registered holder.

**Effect of transfer.** The transfer of such bonds, made as aforesaid, shall vest the property thereof in the transferee, and entitle him to bring action thereon in his own name.

**Contents of bonds.** **570.** The bonds shall mention:

1. The name of the municipality issuing;
2. The by-law under which issued;
3. The amount for which issued;
4. The rate of yearly interest;
5. The time and place of payment of both interest and capital;
6. The date of issue.

**Coupons.** **571.** Coupons may be annexed to each bond, each of which shall constitute the title for one instalment of interest. Such coupons shall be payable to bearer when interest specified therein falls due, and shall bear an indicating number as well as the number of the bond to which they are attached.

**Signatures.** They shall be signed by the mayor and by the clerk; but a facsimile of the signatures of such officers, printed, lithographed or engraved on the coupons, shall be sufficient.

**Coupons handed to treasurer.** On payment of the interest, the coupons shall be handed to the treasurer, and the possession of any coupon by such officer shall be proof that the interest specified therein has been paid.

**Guarantee of bonds.** **572.** The principal and interest of every bond shall be secured by the general funds of the municipality.

**Redemption of loan.** **573.** The council may stipulate, in the by-law, that the loan will be repayable in annual or semi-annual payments covering a portion of the principal, the interest being represented by coupons, or in annuities covering both interest and a portion of the principal and represented by titles or bonds maturing annually or semi-annually.

**Contents of by-law.** In both cases, the by-law shall contain a table of the payments or annuities, showing the amount payable at each date of maturity, the number of bonds redeemable annually or semi-annually and the amount of each of them.

**Loan authorized by Lt. Gov. in Council.** If under the by-law the loan is to be redeemed as a whole at a fixed date, the Lieutenant-Governor in Council may, on the application of the council set forth by resolution but without the approval of the electors, allow the corporation to contract a loan repayable in annual or semi-annual payments or in annuities, in accordance with the provisions of this section.

Such authorization by the Lieutenant-Governor in Council may be given, either before the publication of the notice calling for tenders, mentioned in section 574, or after the award, with the consent of the party whose tender has been accepted.

**574.** The corporation shall sell the bonds it is authorized to issue, by adjudication, on written tenders, after a notice, published in the *Quebec Official Gazette* at least fifteen days before the date fixed for the taking into consideration of the tenders, at a public sitting of the council of the municipality or of one of its committees.

Such notice shall state the amount, term and mode of repayment of the loan, the rate of interest, and the day and hour fixed for the adjudication.

Every tender must be accompanied by an accepted cheque equal to one per cent of the amount of the loan. After the adjudication the cheques deposited by the tenderers whose tenders have not been accepted shall be handed back to them without delay; that of the tenderer whose tender is accepted shall be returned to him after the execution of the contract.

Every tender must specify whether the price offered does or does not include the interest accrued on the bonds at the time of their delivery.

However, a tender which does not contain such a statement, may be accepted by the council if it appear to be more beneficial, provided, in such case, that the acceptance by the council be approved by the Minister of Municipal Affairs.

The Minister of Municipal Affairs may, however, authorize the corporation to sell its bonds by mutual agreement without the formalities prescribed by this section, on the conditions that he may deem expedient to impose.

**575.** Every by-law ordering a loan, to have its force and effect, must be approved by the municipal electors who are proprietors of taxable immoveables and by the Lieutenant-Governor in Council.

The husband who is qualified as an elector on the immoveables belonging to his wife shall have the right to vote on loan by-laws.

**576.** Such by-law shall be submitted for the approval of the electors in accordance with sections 388 to 399, within forty days after the council has passed the same.

**577.** Save in the cases provided for in sections 578 and 579, whenever a by-law has to be approved by the

When authorization given.

Sale of bonds, after notice.

Contents of notice.

Tenders accompanied by cheque.

Contents of tenders.

Irregular tenders accepted in certain cases.

Sale of bonds by mutual agreement in certain cases.

Approval of loan by-laws.

When husband qualified to vote.

Approval by electors.

Number of votes required.

electors, the number of votes polled on the by-law must attain at least the following figures:

*a.* One twentieth of the number of proprietors of taxable immoveable property who are municipal electors when there are two thousand or more in the municipality;

*b.* Eight one-hundredths, if the number of proprietors of taxable immoveable property who are municipal electors is one thousand or over, but under two thousand;

*c.* One-eighth, if the number of proprietors of taxable immoveable property who are municipal electors is less than a thousand.

Additional requirement.

And in addition the by-law must be approved by the majority, in number and in real value, of those who have voted.

If the amount of the loans is equal to twenty per cent.

**578.** Whenever the amount of the loans contracted by the municipality, including the proposed loan, is equal to twenty per cent of the value of the taxable immoveable property in the municipality, according to the valuation roll in force, no new loan may be contracted, nor any debt subsequently incurred which might have the same effect on the revenues of the municipality as a loan, unless the by-law has been voted on by:

*a.* At least one-tenth of the total number of municipal electors who are proprietors of taxable immoveable property, if such number in the municipality be two thousand or over;

*b.* At least one-eighth, if the number of municipal electors who are proprietors of taxable immoveable property be one thousand or over but less than two thousand;

*c.* At least one-fifth, if the number of municipal electors who are proprietors of taxable immoveable property be less than one thousand.

Additional requirement.

The by-law must, in addition, be approved by a two-thirds majority at least, in number and real value, of those who have voted.

Immoveables exempted.

Immoveables temporarily exempted from taxes shall be considered as taxable immoveables in establishing the figure equal to twenty per cent of the value of taxable immoveable property, under this section.

Approval of by-law by the electors in certain cases.

**579.** When the sums required for interest and the sinking-fund equal one-half the general revenue from the taxes imposed, under sections 510 and following, the municipality shall not contract a new loan, unless the by-law authorizing it is voted upon:

*a.* By at least one-tenth of the total number of muni-

cipal electors who are proprietors of taxable immoveable property, if such number in the municipality be two thousand or over;

b. By at least one-eighth, if the number of municipal electors who are proprietors of taxable immoveable property be one thousand or over but under two thousand;

c. By at least one-fifth, if the number of municipal electors who are proprietors of taxable immoveable property be less than one thousand.

Such by-law must, in addition, be approved by the Additional majority in number and in real value of those who have <sup>requirement.</sup> voted.

Every such by-law shall provide for the payment of the Special tax interest and the establishment of a sinking-fund by im- <sup>imposed in certain cases.</sup> posing a special tax on immoveables, to be levied yearly during the term of the loan.

**580.** Whenever a loan is contracted for works whose Tax cost is to be borne by the proprietors of immoveables of a <sup>imposed on proprietors in certain cases.</sup> part only of the municipality, the tax to be levied each year during the term of the loan shall be assessed only on the interested proprietors; but it shall be sufficient to pay the interest each year and to make up the capital repayable at the maturity of the bonds. In such case, only the interested proprietors who are municipal electors have the right to vote for the approval or disapproval of the by-law, and the by-law is deemed to be approved when it has been approved by the majority in number and value of such interested proprietors who are electors.

**581.** After a loan by-law has been approved by the Certain electors, the clerk shall transmit to the Minister of Muni- <sup>documents sent to Lt.-Gov. in Council.</sup> cipal Affairs, in order that he may submit them to the Lieutenant-Governor in Council, the following instru-ments and documents:

1. A certified copy of the by-law;
2. A copy of the resolution of the council adopting the by-law;
3. A copy of the resolution of the council or the order of the mayor fixing the polling days;
4. A copy of the public notice calling upon the electors who are proprietors of taxable immoveable property to vote;
5. A certificate of the publication of the notice and of the by-law;
6. A copy of the certificate of the officer presiding at the poll stating the result of the vote;

7. A copy of the certificate submitted to the council by the mayor and the clerk under section 396;

8. A certificate from the clerk specifying the total number of municipal electors who are proprietors of taxable immoveable property;

9. A copy of the certificate of the Director of the Provincial Bureau of Health approving the plans of the work whenever such approval is required;

10. A statement certified by the treasurer, drawn up according to form HH, showing: (a) the total value of the taxable immoveable property in the municipality; (b) the amount of the debts of the municipality; (c) the amount of general taxes collected during the last fiscal year; (d) the loans and the issues of bonds and the amount still due on each of them; (e) the sum required annually for the payment of interest and sinking-funds specifying the amounts levied by special taxes and those taken from the general revenue.

Remittance of fees.

The clerk shall, at the same time, remit to the Minister of Municipal Affairs the fees fixed by the tariff for the examination and taking into consideration of the by-law.

Exaction of documents.

**582.** The Lieutenant-Governor in Council may exact from the council or from the clerk all the documents and information he deems necessary to satisfy himself of the usefulness of the by-law or of any of its provisions.

Proof required before the approval.

**583.** The Lieutenant-Governor in Council shall not approve a loan by-law until he has received the proof that all the formalities required for the passing of such by-law have been accomplished.

Amendment of loan by-laws.

**584.** Notwithstanding the provisions of section 383, the Lieutenant-Governor in Council may amend or alter a loan by-law, at the request, set forth by simple resolution, of the council which passed the by-law, without its being necessary to obtain the approval of the electors who are proprietors, provided that such amendments do not change the object of the loan, and do not increase either the loan or the rate of interest, and that they neither extend nor shorten the term of repayment.

When this subdivision shall apply.

**585.** The provisions of this subdivision shall apply to by-laws enacting an issue of bonds to pay off a debt by delivery of bonds to the creditors, or to grant assistance where the same is permitted.

Temporary loans.

**586.** Notwithstanding the provisions of this subdivi-

ision, the municipality may, pending the collection of the general and special taxes and of the water-rate, on mere resolution of the council and without being bound to obtain the approval of the electors who are proprietors or of the Lieutenant-Governor in Council, contract loans, by means of notes, for a period not exceeding the then current fiscal year, to an amount not exceeding, at any time, one-fourth of the ordinary revenue collected in the preceding year.

### § 29.—*Expropriations*

**587.** The council may, by complying with the following provisions, expropriate any immoveable property, any part thereof or any servitude required for the execution of works ordered by it within its jurisdiction. Right of expropriation.

**588.** The council may also, by complying with the provisions of this act respecting expropriations, expropriate the whole or any part of any macadamized or stoned road in the municipality belonging to one or more companies. Expropriation of roads.

**589.** The council cannot expropriate the following properties: Council cannot expropriate certain properties.

1. Property belonging to His Majesty, or held in trust for His use;
2. Property occupied by the Federal or Provincial Government;
3. Property possessed or occupied by railway companies, *fabriques*, or religious, charitable or educational institutions or corporations;
4. Cemeteries, bishops' palaces, parsonages, and their dependencies.

**590.** The council further cannot, without the consent of the owner, in any manner injure any canal, or the dam of any mill or factory, or divert the course of the water which feeds such canal, mill or factory. Council not to injure canals, etc.

**591.** The indemnity to be paid for any immoveable or part of an immoveable or any servitude, liable to expropriation, may be fixed and established by agreement between the council and the owner. Indemnity may be fixed by agreement.

In case of substitution, the institute,—in case of usufruct, the usufructuary,—in case of interdiction, the curator,—in case of minority, the tutor,—in case of the private property of the wife common as to property or separated as to property, the wife authorized by her Who may make agreement.

husband, or, if he be absent or interdicted or refuses, by the judge,—may enter into such agreement.

Que. Pub.  
Service  
Commission  
as arbitra-  
tors.

**592.** Failing an agreement between the parties, the value of the immoveable in question, together with whatever goes in compensation of the value of such immoveable, shall be estimated by the Quebec Public Service Commission.

Idem.

**593.** Whenever, under the charter or any by-law, it is necessary to proceed by arbitration, the Quebec Public Service Commission is substituted for such arbitration, and either party may apply to the said Commission respecting the question to be solved.

Procedure.

**594.** The Quebec Public Service Commission shall proceed at the time and place fixed by it, and of which it shall have given at least ten days' special notice to the parties interested.

Award.

The Quebec Public Service Commission, after having examined and valued the immoveable and heard the parties and their witnesses, under oath, if it deem it expedient, shall give its award by means of a certificate signed by its secretary who shall deposit it in the office of the council.

Award final.

Such award shall be final and without appeal.

Contents of  
award.

**595.** In any award rendered by it, the Quebec Public Service Commission shall mention the lot whereof the immoveable taken forms part, the name of the owner of such immoveable, and also the by-law or order of the council under which such immoveable is taken, and shall fix the amount of the indemnity, if it grant one, and, if it do not, a statement to that effect shall be entered in such award establishing its refusal.

Entry into  
possession  
by mu-  
nicipality.

**596.** On payment or lawful tender of the amount of the indemnity agreed upon or awarded, or on the deposit thereof under section 598, the municipality may take possession of the property.

In case of  
resistance.

If such taking of possession be resisted or opposed by any person, a judge of the Superior Court, on proof of the award of the Quebec Public Commission, and of the payment, or tender, or deposit, as the case may be, may issue his warrant addressed to any bailiff or to the sheriff, in order to have the municipality placed in possession of such immoveable and to cause all resistance or opposition to cease, all which the bailiff or sheriff shall effect, providing himself for that purpose with the assistance required.

**597.** 1. Such warrant may also be granted by any such judge before such award by the Quebec Public Service Commission or before the agreement, on affidavit to his satisfaction that the immediate possession of the land, or of the power to do the thing mentioned in the notice, is necessary for the execution of some part of the works ordered by the council, within the limits of its powers, and with which the municipality is ready forthwith to proceed. Immediate entry into possession.

2. The judge shall not grant any warrant unless ten days' previous notice of the time and place when and where application for its granting will be made to him has been served upon the proprietor or person empowered to convey the land, or interested in the land sought to be taken, or who may suffer damage from the execution of the works. Notice must be served.

3. The judge shall not grant any such warrant except upon the municipality giving security to his satisfaction, by depositing in a bank, to be designated by him, to the credit of the clerk or secretary-treasurer of the municipality and of such proprietor or such person jointly, a sum larger than his estimate of the probable indemnity. Security must be given.

The costs of the application to and of any hearing before the judge shall be borne by the municipality in any event. Costs.

4. The petition, the warrant of possession, and all other documents connected with such incidental proceedings, shall remain of record in the Superior Court of the district, and a special register of such proceedings shall be kept by the prothonotary. Documents to remain of record.

5. No part of the deposit, or of the interest arising therefrom, shall be reimbursed or paid to the municipality, or to the proprietor, or to the interested person, without the order of the judge, who is authorized to grant the same in conformity with the terms of the award of the Quebec Public Service Commission, or of the amicable agreement between the parties. Payments to be made on order of judge.

**598.** If the owner expropriated be unknown, or if the council, through apprehension of future claims or from other motives, deem it advisable so to do, the amount of the indemnity, together with six months' interest thereon, shall be deposited in the office of the prothonotary of the district, together with a copy of the deed of agreement, or of the award of the Quebec Public Service Commission; and proceedings shall be taken for the ratification of such deed or award, by following the same procedure and with the same effect, as in ordinary applications for confirmation of title. Confirmation of title.

## DIVISION XIII

## RECOVERY OF PENALTIES

- 599.** Penalties imposed by the by-laws of the council, or by the provisions of this act or of the charter, shall be recoverable either before the district magistrate in the district within which they have been incurred, or before any justice of the peace, if there be one, residing in the municipality, if not, before any justice of the peace residing in a neighboring municipality in the district.
- 600.** All penalties incurred by the same person may be included in the same suit.
- 601.** Every prosecution for the recovery of such penalties shall be begun within six months from the date when they were incurred, and cannot be brought thereafter.
- 602.** Such prosecutions may be brought by any person of age, in his own name, or by the municipality.
- 603.** Penalties recovered in virtue of the by-laws of the council or of the provisions of this act or of the charter, shall belong, unless it be otherwise provided, one-half to the prosecutor and the other half to the municipality.  
If the prosecution have been brought by the municipality, the penalty shall belong wholly to it.  
If the penalty be due by the municipality, it shall belong wholly to the prosecutor.
- 604.** Failing immediate payment of the fine imposed by the court, and the costs, after the rendering of the judgment, the person condemned may be imprisoned, except in cases where it is otherwise provided, for any term of not more than thirty days; which imprisonment, however, shall cease on payment of the sum due.  
Such imprisonment shall discharge the person who undergoes it from the obligation of satisfying the judgment against him.
- 605.** The plaintiff or the complainant, whose complaint has been dismissed with costs, shall pay the costs, under penalty of imprisonment, in the manner prescribed in section 604, except in cases where it is otherwise provided.
- 606.** Prosecutions brought before a district magistrate or justice of the peace, in virtue of section 599, shall

Court before which suits are to be brought.

Suit.

Prescription.

Who may bring suit.

To whom fine belongs.

Imprisonment in default of immediate payment.

Discharge.

If demand dismissed.

Procedure.

be heard and decided by him, according to the rules contained in the Quebec Summary Convictions Act, except in so far as the same are inconsistent with the provisions of this act.

**607.** The justice of the peace, who signed the summons or the warrant, may hear and decide the case alone. Hearing by justice of the peace. He may nevertheless require the assistance of any other justice of the peace having jurisdiction within the district.

**608.** Every return of service made by a bailiff shall be made under his oath of office. Return of service.

**609.** The justice of the peace or the clerk shall take notes of the important parts of the evidence, but the depositions shall not be taken down in shorthand unless both parties consent. Notes of evidence.

Such notes, signed by the presiding justice of the peace, shall form part of the record. Signature.

**610.** The judgment of the court shall be executory immediately after having been rendered. Execution of judgment.

#### DIVISION XIV

##### PROCEEDINGS AGAINST THE MUNICIPALITY

#### § 1.—*Notice of Action and Miscellaneous Proceedings*

**611.** If any person claim or pretend to have suffered bodily injury by any accident, for which he intends to claim damages from the municipality, he shall, within thirty days from the date of such accident, give or cause to be given notice in writing to the clerk of the municipality of such intention, containing the particulars of his claim, and stating the place of his residence, failing which the municipality shall be relieved from any liability for any damages caused by such accident, notwithstanding any provision of law to the contrary; and, in case of any claim for damages to property, moveable or immoveable, a similar notice shall also be given to the clerk of the municipality, within thirty days, failing which the municipality shall not be liable for any damages, notwithstanding any provision of law; but no action for such damages shall lie in any case unless such action has been instituted within six months after the day the accident happened or right of action accrued. Persons claiming damages for injuries bound to give notice. Damage to property. Prescription of suits.

No such action shall be instituted before the expiration of fifteen days from the date of the service of such notice. When action to be instituted.

Default of notice in certain cases no bar to action. The failure to give such notice shall not, however, deprive any victim of such accident of his right of action, if he prove that he was prevented from giving such notice for any reason deemed sufficient by the court or judge.

Recourse by municipality in warranty. The municipality shall have its recourse in warranty against any person whose fault or negligence occasioned the accident and damages arising therefrom.

Prescription of damages for offences, etc. **612.** Every action, suit or claim against the municipality or any of its officers or employees, for damages resulting from offences or quasi-offences, or illegalities, shall be prescribed by six months from the day on which the cause of action accrued, any provision of law to the contrary notwithstanding.

Damages occasioned by obstructions in streets. **613.** Every person who, by any excavation in or obstruction upon any street of the municipality, not authorized by law or the by-laws of the municipality, renders such street unsafe for travel, or who, by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, renders such street insufficient or unsafe for travel, shall be liable for all damages, not caused by the negligence of the party injured, to whomsoever resulting by reason of such obstruction or negligence; and no action shall be maintained against the municipality for such damages, unless such person be joined as defendant, if the plaintiff be so required by the municipality, which shall give the name, residence and quality of such person.

Execution of judgments in such cases. **614.** In case of judgment against the defendants under section 613, execution shall first be issued only against the defendant other than the municipality, and the municipality shall not be required to take steps to pay such judgment, including costs of execution against the other defendant, until such execution is returned unsatisfied, or unless there be an opposition to or contestation of the seizure for reasons other than matters of form.

Recourse if municipality pays amount of judgment. If the municipality pays such judgment it shall become subrogated in the rights of the plaintiff therein, and may enforce payment of the same from the other defendant, and shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

Service of suits, etc., against municipality. **615.** When any suit or action is commenced against the municipality, service therein shall be made upon the clerk or the secretary treasurer, at his office or domicile.

**616.** Notwithstanding any law to the contrary, no judgment rendered against the municipality for a pecuniary condemnation only shall be executory before the expiration of thirty days after the date of the judgment. Delay in execution of judgments against municipality.

§ 2.—*Execution of Judgments against the Municipality*

**617.** Whenever a copy of a judgment, condemning the municipality to pay a sum of money, has been served at the office of the council, the treasurer shall, forthwith, upon being authorized by the council or by the mayor, pay the amount thereof out of the funds at his disposal, according to the by-laws made under section 471. Payment on service of judgment.

**618.** If there be no funds, or if those at the disposal of the treasurer be not sufficient, the council shall, immediately after the service of the judgment, order the treasurer, by resolution, to levy, on the taxable property within the municipality, a sum sufficient to pay the amount due with the interest and costs. Levy, in default of funds.

**619.** The court which rendered the judgment may, on petition to that effect presented either in term or in vacation, grant to the council any delay which it deems necessary to levy the moneys required. Delay to that effect.

**620.** If the judgment have not been satisfied within two months after the service thereof at the office of the council, or at the expiration of the delay granted by the court or agreed upon by the parties, the person in whose favor such judgment was rendered may, on producing the return of the service of such judgment made at the office of the council, and on a requisition in writing for such purpose, obtain the issue of a writ of execution from the court against the corporation, returnable before the same court so soon as the amount of the judgment and costs has been levied. Writ of execution.

**621.** Such writ shall be attested and signed by the clerk or prothonotary, sealed with the seal of the court, and addressed to the sheriff of the district in which such municipality is situated, enjoining him, among other things: Form and contents of writ.

1. To levy from the municipality, with all possible despatch, the amount of the debt with interest and costs of the judgment as well as of the execution;

2. In default of immediate payment by the municipality,—  
 a. to apportion the sums to be levied on all the taxable property in the municipality, in proportion to

its value, as it appears by the valuation roll, with the same powers and under the same obligations and penalties as the council and the clerk, to whom he shall be lawfully substituted for the levying of such money;

- b. to prepare without delay a special collection roll;
- c. to publish such special roll in the municipality, in the manner required by section 529;
- d. to exact and levy the amounts entered on the special collection roll, in the manner and within the delay prescribed by sections 529 and 530;
- e. in default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs, on their moveable property, in the manner prescribed by sections 531 to 534, both inclusive;
- f. to sell the immoveable property liable for such amounts in default of their payment, in the same manner and with the same effect as if he were acting under a writ *de terris* issued by the Superior Court of the district;

3. To make a return to the court of the amount levied, and of his proceedings, so soon as the amount of the debt, interest and costs has been collected, or from time to time, as the court may order.

Duties of sheriff.

**622.** The sheriff shall execute without delay, either personally or by his officers, all the requirements of such writ or of any other order subsequently issued by the court.

Access of sheriff to registers, etc.

**623.** The sheriff shall have free access to the registers, valuation rolls, collection rolls and other documents deposited in the office of the council, and he may demand the services of the municipal officers of such council, under the same penalties as if such services were required by the council itself.

Rights and powers of sheriff.

**624.** The sheriff shall take possession of the valuation roll and other documents which are necessary to him for the execution of the judgment and orders of the court.

Idem.

On the refusal or neglect of the municipal council or its officers to deliver up such documents, he may take possession thereof.

Special collection roll.

**625.** If it be impossible for the seizing officer to obtain the valuation roll which should serve as a basis for the collection of the moneys, or if there be no such valuation

roll, the sheriff shall, without delay, proceed to make a valuation of the taxable property; and he may base the special collection roll for the money to be levied, on such valuation as if it were the valuation roll in force.

The costs incurred in making such valuation, as taxed by <sup>Costs.</sup> the court from which the writ issued, shall form part of the costs of execution and shall be recoverable from the municipality.

**626.** The fees, costs and disbursements of the sheriff <sup>Taxation</sup> shall be taxed in the discretion of the judge of the court <sup>of costs.</sup> from which the writ of execution issued.

**627.** The sheriff shall transmit to the office of the <sup>Return of</sup> council a copy of his special collection roll, and any other <sup>documents</sup> roll or document whereof he has taken possession, after <sup>after collec-</sup> having levied the whole amount set forth in the writ of execution, together with interest and costs. <sup>tion.</sup>

**628.** The arrears due, in virtue of the sheriff's special <sup>Arrears.</sup> collection roll, shall belong to the municipality and may be recovered by such municipality in the same manner as any other municipal tax.

If any surplus remain in the hands of the sheriff, it shall <sup>Surplus.</sup> belong to such municipality.

**629.** The sheriff may obtain from the court any order <sup>Orders of</sup> calculated to facilitate and ensure the complete execution <sup>court.</sup> of the writ addressed to him.

**630.** If the municipality, against which any judgment <sup>Execution</sup> has been rendered, holds property in its own name, such <sup>against mu-</sup> property may be seized and taken in execution in the ordi- <sup>nicipal prop-</sup> nary manner prescribed in the Code of Civil Procedure. <sup>erty.</sup>

If any such property be hypothecated for the debt which <sup>If hypothe-</sup> is the object of the judgment, it shall be sold before the <sup>ated.</sup> issue of the writ mentioned in section 620.

#### DIVISION XV

##### RECORDER'S COURT

### § 1—*Organization of the Court*

**631.** The council of any city or town may, by by-law, <sup>Establish-</sup> establish a court of record in the municipality, called the <sup>ment of Re-</sup> "Recorder's Court," which shall be presided over by a <sup>recorder's</sup> recorder appointed in the manner hereinafter provided. <sup>Court.</sup>

Where court to sit. The court shall sit in the town-hall or at any other place fixed by the council for that purpose.  
Seal. The court shall have a seal.

Appointment of recorder. **632.** The recorder shall be appointed by the Lieutenant-Governor in Council.

Qualifications. **633.** The recorder must be an advocate of at least five years' standing.

Recorder may practise in other courts. **634.** The acceptance of such office and the performance of the duties thereof shall not prevent the recorder from practising his profession before a court, other than the recorder's court, any law or regulation to the contrary notwithstanding.

Salary. **635.** The salary of the recorder shall be fixed by resolution of the council and paid by the municipality.

Deputy-recorder. **636.** The recorder may, from time to time, appoint under his hand a deputy-recorder, who must be an advocate of five years' standing. The original of such appointment shall be deposited and registered in the office of the clerk.

Powers of deputy. **637.** The person so appointed shall possess, for and during the time limited in the instrument containing his appointment, or, if no time be therein limited, then from the date of the registration as aforesaid, until the revocation thereof, the jurisdiction, and be vested with all the rights, powers and privileges, and shall discharge all the duties of the recorder, to the exclusion, for the time being, of the person so nominating him.

When municipality to pay services of deputy. The municipality shall not be bound to pay for the services rendered by such deputy, except in case of the illness of the recorder, and during the time allowed to the recorder for his holidays, which shall not exceed thirty days in any year. The amount to be paid to such deputy for his services, in such cases, shall be fixed and determined by the council.

Amount, how fixed.

Court not to be deemed to be illegally held in certain event. The Recorder's Court shall not, at any time, be deemed to have been illegally held, nor shall the acts of any deputy-recorder be deemed invalid, by reason of the absence of the recorder not being deemed to be necessary within the meaning of this act.

Provision in case of death of recorder. **638.** In the case of the death of the recorder, his deputy shall act as such until the Lieutenant-Governor in Council appoints his successor in accordance with the law.

If the recorder die or resign, without having appointed a deputy, then the council shall appoint one who shall be vested with all the rights, powers and privileges of the recorder until one is appointed by the Lieutenant-Governor in Council.

Appointment, if recorder has not appointed a deputy, in certain event.

**639.** The clerk of the Recorder's Court shall be appointed by the council, during pleasure.

Clerk of Court.

He shall be the custodian of the seal of the court.

Custodian of seal.

**640.** The clerk may, with the approval of the recorder, by an instrument under his hand, to be acknowledged by him before the recorder and entered in the register of the court, appoint a fit and proper person to be and act as his assistant, and he may remove any person so appointed and appoint another in his stead.

Appointment, etc., of assistant-clerk.

**641.** So long as he holds office, such assistant shall fulfil all the duties, and shall be vested with all the powers imposed or conferred by this act on the clerk of the court.

Powers of deputy clerk.

**642.** Immediately after their appointment and before entering into office, the recorder, the deputy-recorder, the clerk and the assistant-clerk of the said court, shall make oath to well and faithfully perform the duties of their office.

Oath of office of recorder, etc.

The omission during ten days to take such oath shall constitute a refusal to accept the office.

Effect of default to take oath.

**643.** The clerk and assistant-clerk shall take the oath of office before the recorder's court; and the said oath shall be entered in the document appointing such clerk and assistant-clerk.

Before whom oath of clerk, etc., to be taken, etc.

**644.** The clerk shall prepare and make all writs, warrants or orders that may be issued by the said court or by the recorder.

Duties of clerk.

He shall conduct all cases and suits cognizable by the said court or the recorder, except in cases where the municipality or parties to suits wish to be represented by an advocate of their own selection.

Who conducts cases.

**645.** The recorder, with the approval of the council, may appoint as many bailiffs of the recorder's court as he may deem expedient, and may, with the same approval, dismiss them.

Bailiffs of Recorder's Court.

The bailiffs so appointed shall take oath before the recorder, for the faithful performance of the duties of their office, and shall be officers of the said court.

Oath.

Constables. The recorder shall also have the right to call upon the services of the constables of the municipality in the interest of justice.

### § 2.—Jurisdiction

Powers of recorder. **646.** The recorder shall be *ex officio* a justice of the peace in and for the district in which the municipality is situated, and shall be vested with all the rights, powers and authority of the Recorder's Court.

Jurisdiction of Recorder's Court: Actions for recovery of certain sums. **647.** The Recorder's Court shall have the jurisdiction of a recorder and shall hear and try summarily:

1. Any action brought under any by-law or resolution of the council for the recovery of any sum of money due to the municipality for any tax, license, water-rate, or permit, or for the rent of any butcher's stall or other stall or stand, in or upon any of the markets, or outside the same;

Bylaws; 2. Any action for the enforcement of any by-law or resolution of the council;

Suits for fines, etc.; 3. Suits for the recovery or imposition of any fine or penalty, resulting from any infraction of this act, of the charter or of any by-law or resolution of the municipality;

Actions under certain provisions. 4. All actions brought under articles 3580 to 3592, both inclusive, of the Revised Statutes, 1909; and article 3579 of the said statutes shall apply to the recorder, *mutatis mutandis*.

Concurrent jurisdiction with Circuit Court in certain actions between lessors and lessees. **648.** The Recorder's Court shall have concurrent jurisdiction with the Circuit Court or with the Magistrate's Court, as the case may be, in matters between lessors and lessees, and shall have, for that purpose, all necessary powers and authority including that of issuing writs of summons, execution and possession, and of fixing and determining the costs to be paid by the losing party; provided, always, that the jurisdiction of the Recorder's Court shall be limited to cases where the amount claimed shall not exceed twenty-five dollars, and where the annual rent or annual value of the immoveable occupied shall not exceed one hundred dollars, and that the said immoveable be situated in the municipality; and provided

Proviso. always that there be placed upon every proceeding before the said court the same law stamps which would be placed thereon if the proceeding was instituted before the Circuit Court or the Magistrate's Court, as the case may be.

Writ of possession. **649.** After judgment ordering the eviction of a tenant under section 648, the plaintiff may, after the expiration of

three days from the service of such judgment on the tenant, obtain from the Recorder's Court a warrant or writ of possession which shall be executed by a bailiff of the Superior Court or Recorder's Court, or by a constable or member of the police force, each of whom shall be vested with all necessary authority for that purpose.

### § 3—Procedure

**650.** The Recorder's Court may be held every day, and as many times as may be necessary, and it may fix any time for trial of cases and the rendering of judgments within its jurisdiction.

**651.** The recorder may set apart a room where special cases may be heard and disposed of.

Hearing of  
special  
cases.

**652.** The articles contained in chapter LXIII of the Code of Civil Procedure (Articles 1253 to 1283), which are not inconsistent with this act, shall apply, *mutatis mutandis*, as the case may be, to the recorder and the Recorder's Court, in civil matters.

Application  
of chapter  
LXIII of  
Code of  
Civil Pro-  
cedure.

**653.** The clerk shall register, daily, in a succinct manner, the proceedings had in each case or complaint brought before the court.

Proceedings  
in cases to  
be register-  
ed.

It shall not be necessary for the clerk to enter at full length the proceedings, judgments and convictions of the court, but a register shall be kept by him, wherein shall be set forth the name of the defendant, the nature of the debt or of the offence, the judgment and the date thereof.

Record of  
proceedings..

The notes of the proceedings endorsed on the original summons or complaint shall be a sufficient record thereof.

Notes on  
original.

**654.** Every summons, order, writ or warrant, issued by the court, shall be in the name of His Majesty, His Heirs or successors; and shall be signed by the recorder, by the clerk of the court, or by the assistant clerk.

Form of  
writs, etc.

**655.** Where a person is arrested on view by a police officer or constable for any violation of the provisions of articles 3580 to 3592, both inclusive, of the Revised Statutes, 1909, or of this act, or of the charter or of any by-law of the council, it shall not be necessary that the complaint be reduced to writing; but a verbal complaint, under oath, made before the Recorder's Court by the constable who has arrested such person, shall be deemed a sufficient complaint; nevertheless, if the accused demand

Complaints  
for certain  
offences  
need not be  
in writing,  
etc.  
Proviso.

that the complaint be reduced to writing, the court shall direct the clerk so to do.

Proceedings  
against per-  
sons not ar-  
rested, for  
infringing  
by-laws, etc.

Service of  
writ.

Proviso.

**656.** Whenever any person is accused of an offence against the provisions of this act, or of the charter, or of any by-law of the council, and such person has not been arrested on view, he may be summoned by a writ to appear before the said court, to answer the complaint, which shall be clearly and explicitly set forth in the writ; and such writ shall be served upon the defendant by any bailiff or constable; provided always that, in all cases of offences for the commission whereof a fine or imprisonment is imposed under any such law or by-law, it shall be lawful to proceed against the defendant either by a writ, as aforesaid, or by warrant of arrest issued by the recorder upon affidavit made before him.

Service, how  
effected.

Recorder  
may pre-  
scribe man-  
ner of  
service.

**657.** The service of any document issued by the Recorder's Court or by the recorder shall be made by delivering a copy or duplicate thereof to the defendant or accused personally, or at his domicile to a reasonable person of his family, or at his place of business to any of his employees in charge thereof.

If such service cannot be so made, the recorder may order, upon a report to that effect from the officer entrusted with the same, that it be made in some other manner at his discretion.

Return of  
service by  
bailiff.

**658.** Every bailiff, being bearer of a writ or document to be served, issued by the Recorder's Court, shall make a return, under his oath of office, of all proceedings had by him in relation to such writ or document, and such return shall be sufficient proof of such proceedings for all legal purposes.

Services by  
bailiff of Su-  
perior  
Court.

**659.** Returns as to the due service of any writ or document, issued as aforesaid, from the Recorder's Court, may also be made by any bailiff of the Superior Court; and in all cases so issued from the Recorder's Court, any such bailiff shall have *ex officio* full power and authority to fulfil the duties of a bailiff of the Recorder's Court, in the same manner as if specially appointed by the recorder for that purpose.

Proof of ser-  
vice in open  
court by offi-  
cer effecting  
same.

**660.** The service of any summons or of any other documents in prosecutions, as aforesaid, may be proved in open court by the bailiff, constable or peace officer who shall have made such service.

**661.** In all suits brought before the Recorder's Court for the recovery of any sum of money or the imposition of any fine or penalty, proof may be made by legal presumption, by proof in writing, or by testimony.

It shall not be necessary to reduce the testimony to writing.

Proof before  
the court.

Deposi-  
tions.

**662.** The president of the court shall cause order to be maintained during the sittings thereof, and he may also cause to be removed therefrom any person not interested in the proceedings, and may punish, by fine or imprisonment, any person guilty of contempt of court.

Order in  
court, etc.

**663.** In any civil action brought before the said court, including attachments before or after judgment, there shall be an interval of two clear days at least between the service of the writ of summons and the day of its return into court.

Delay in  
civil actions  
between  
service and  
return.

If the person so summoned does not appear, within the fixed delay, default may be entered against him, and, upon proof made, the court shall render judgment.

Proceedings  
by default.

If he appear, he must plead to the action within twenty-four hours and his plea shall be entered and fyled.

Proceedings  
after ap-  
pearance.

On the following juridical day or on that fixed by the court, the parties shall proceed to proof and hearing, and judgment shall thereupon be rendered with due diligence.

Proof and  
hearing.

The court may grant a delay of not more than two months to any defendant who is condemned or confesses judgment.

Delay upon  
confession  
of judg-  
ment, etc.

**664.** In all prosecutions instituted before the Recorder's Court or before the recorder, other than civil actions, the provisions of the Quebec Summary Convictions Act shall apply to the Recorder's Court and to the recorder, as regards the mode of procedure on such prosecution to final conviction or judgment, the execution and carrying out of such conviction, judgment or order, and generally as to all rules imposed upon magistrates for such objects, in so far as they are not inconsistent with the provisions of this act, and where no express provision is made in relation thereto.

Provisions  
applicable,  
in penal  
cases.

In such proceedings, however, it shall not be necessary for the depositions of the witnesses to be taken in writing.

Deposi-  
tions.

The several forms contained in the Quebec Summary Convictions Act may be changed, in so far as may be necessary to render them applicable to the court.

Forms.

**665.** The court shall have power to compel witnesses

Summoning

of witnesses, etc. to appear in any action, prosecution or complaint, pending before it, and to answer all legal questions put to them, in accordance with the provisions of the Code of Civil Procedure.

Discretion of court as to costs and damages in certain cases. **666.** In all cases, the court may use its discretion in awarding or withholding costs, or in ordering the complainant, the plaintiff or the defendant to pay their own costs or those of the opposite party, and, in certain cases, may award damages, not exceeding twenty-five dollars, when such damages shall appear to have been suffered by reason of the matters and things complained of.

Execution. **667.** The execution of any judgment, rendered in any civil action as above mentioned, shall be levied by seizure and sale of the goods and chattels of the defendant.

When issued. No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered.

Seizure and sale. **668.** The bailiff, entrusted with the writ of execution, shall seize and sell such goods and chattels, in the manner prescribed by the Code of Civil Procedure.

Attachment. **669.** The court may issue writs of attachment before and after judgment, in the same manner as other courts of civil jurisdiction, and shall observe in relation thereto the rules and procedure prescribed by the Code of Civil Procedure, as regards the issuing of the writ, and the return and judgment in matters of attachment.

Certain allegations dispensed with. **670.** In any suit, action, or prosecution brought before the Recorder's Court, it shall not be necessary to recite the statute or by-law under which such suit, action or prosecution is taken; but it shall be sufficient to state that it is in virtue of such statute or to mention the date and number of the by-law in that behalf made.

Tariff of fees. **671.** The recorder may, with the approval of the council, make and settle the tariff of fees in all cases within the jurisdiction of the Recorder's Court, and change the same, from time to time, subject to the approval of the council.

Liability of joint owners, etc. **672.** Any joint partner in, and joint owner or occupant of any lot, house, building or other immoveable in the municipality, against whom a complaint is brought for violation of any by-law of the council, affecting such joint

partner in, joint owner or occupant of the said lot, house, building or other immoveable, in any manner, by reason of any nuisance committed or existing thereon, or any other offence, may be sued alone, or conjointly with his joint partners, joint owners or joint occupants, in the Recorder's Court, as may be deemed advisable, as also any agent of the said firm, joint owner or occupant.

In such suit, it shall be sufficient to mention the name of such joint partner, owner or occupant, or of such agent, with the addition of the words "and others"; and the oral testimony of such ownership and occupancy, whether sole or joint, or of such agency, shall be sufficient. What is sufficient in suit in such case.

**673.** Except when otherwise provided, any action for the recovery of a fine or the imposition of a penalty may be instituted, either by the municipality or by a private person in his own name. Who may sue.

**674.** The recovery of any fine, or of any costs, even subsequent to the conviction or order, or damages imposed by the Recorder's Court, shall be enforced in accordance with the act or the by-law imposing the same; but if the act or by-law does not specify any mode of procedure in respect thereof, such recovery shall be enforced by imprisonment for not more than two months, unless the said fine, costs as aforesaid, and damages be paid before the expiration of the term of imprisonment; and the writs shall be issued in the manner above mentioned. How recovery of fines enforced.

**675.** When a fine has been incurred by a corporation, association, or firm, recognized by law, such fine and costs may be levied by the seizure and sale of the goods and effects of the said corporation, association, or firm, in virtue of a writ of execution issued from the said court, and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters. Recovery of fines against corporations, etc.

**676.** All fines sued for and recovered in the Recorder's Court, under this act, or the charter, or any by-law of the council, shall belong to the municipality and form part of its general funds. To whom fines belong.

**677.** The council shall alone have the right to remit the whole or part of any fine or any part of a fine belonging to the municipality, or the costs of the suit in connection with the recovery of the said fine. Remission of fines, etc.

Such remission shall be made by simple resolution adopted by the majority of the council, on petition pres-

ented to the council by the person liable for such fine, and not otherwise.

Where imprisonment to be.

**678.** Whenever, in this act or in any other act, or in any by-law, imprisonment is imposed, such imprisonment shall be understood to be in the common gaol of the district in which the municipality is situated.

Variance between proof and allegation in suits, etc.

**679.** Whenever, in any action or summons in civil or penal matters, there is variance between the allegation and the proof relating to the date, the name and surname, the occupation, description, or residence of any party mentioned in such action or summons, or to any other fact alleged in such action or summons, the court may, at any time before judgment, upon application to that effect made by an interested party, permit or order the amendment of such action or summons, if necessary, and allow the adverse party a sufficient delay to prepare a defence to the action or summons so amended, if the party requires it for the ends of justice.

Formal objections not allowed.

**680.** No objection founded upon form or upon the omission of any formality, shall be admitted in any action, suit or proceeding before the Recorder's Court or before the recorder, unless substantial injustice would be done by rejecting such objection.

Proviso.

Magistrates and justices of the peace not to act when Recorder's Court is established.

**681.** As soon as the council shall, by by-law, have established a Recorder's Court, and a recorder shall have been appointed in the manner provided by this act, no magistrate or justice of the peace shall, as such, take cognizance of infringements of this act, of the charter or of any of the by-laws of the council.

#### DIVISION XVI

##### JURISDICTION OF RECORDERS' COURTS IN CERTAIN CASES

By-law to give Recorder's Ct. jurisdiction over municipality.

**682.** The council of any municipality may, by the affirmative vote of the majority of its members, pass a by-law to submit its territory to the jurisdiction of a Recorder's Court of any other adjacent municipality within the limits whereof such Recorder's Court exists.

Provisions of the by-law.

**683.** Such by-law shall set forth the conditions upon which it is ready to subscribe to thus submit itself to the jurisdiction of the Recorder's Court of such adjacent municipality.

The council of such municipality is authorized to provide, in the by-law, for the payment of the contribution made necessary by its passing. Payment of contribution.

**684.** The council of the municipality wherein such Recorder's Court exists, if it agrees with the tenor of the by-law mentioned in section 682, shall pass a by-law to that effect. By-law by municipality where Recorder's Ct. exists.

**685.** Certified copies of such by-laws shall be transmitted to the Lieutenant-Governor in Council, along with a petition praying for his approval as well as for the issue of a proclamation ordering their coming into force. Petition for approval of Lt.-Gov. in C.

The Lieutenant-Governor in Council may require from the council of each of the two municipalities all documents, deeds of agreement or information that he deems necessary to decide upon the advisability or inadvisability of the by-laws; and the officers of each of such municipalities shall be bound to furnish the same. Documents etc., to be produced.

**686.** 1. The Lieutenant-Governor in Council may, at his discretion, grant or refuse his approval to the by-laws. Discretion exercised by Lt.-Gov. in C.

2. If he approves them, the Lieutenant-Governor in Council shall issue a proclamation to the effect that, from and after the date therein mentioned, which must not be within thirty days of the date of the proclamation, the territory of the municipality therein mentioned, adjacent to that of the municipality within which a Recorder's Court is already established, shall be subject to the jurisdiction of such Recorder's Court, as if the two municipalities formed but one, but for such purpose only. Proclamation by Lt.-Gov. in C.

Such jurisdiction shall extend also to the officers of the court. Jurisdiction.

#### DIVISION XVII

##### REPEALS

**687.** The acts or parts thereof, mentioned in the annex to this act, are repealed to the extent therein set forth, from and after the date of the coming into force of this act, saving those which govern the municipalities coming within the purview of paragraph *a* of subsection 1 of section 2 of this act, which are repealed, as to the said municipalities, only from and after the first of July, 1923. Repeals.

## ANNEX

<i>Citation of the Act</i>	<i>Title</i>	<i>Extent of the repeal</i>
R. S., 1888.....	Town Corporations.....	Arts. 4178 to 4615.
R. S., 1909.....	Cities and Towns' Act.....	Arts. 5256 to 5884.
52 Viet. c. 25.....	An Act to exempt from municipal and school taxation the property belonging to and used by Agricultural and Horticultural Societies.....	S. 3.
53 Viet. c. 47.....	An Act respecting the width of roads and streets in cities, towns, and villages.....	S. 3.
54 Viet. c. 34.....	An Act to authorize city, town and village corporations to aid in the support of public libraries.....	S. 2.
56 Viet. c. 33.....	An Act to amend the law respecting town corporations.....	The whole.
59 Viet. c. 31.....	An Act to amend the law respecting town corporations.....	The whole.
61 Viet. c. 34.....	An Act to amend the law respecting town corporations.....	The whole.
62 Viet. c. 39.....	An Act to amend article 4404 of the Revised Statutes.....	The whole.
62 Viet. c. 40.....	An Act to amend the law respecting town corporations.....	The whole.
63 Viet. c. 29.....	An Act to amend the law respecting town corporations.....	The whole.
63 Viet. c. 30.....	An Act to amend article 4529 of the Revised Statutes.....	The whole.
63 Viet. c. 31.....	An Act to amend the law governing town corporations.....	The whole.
1 Ed. VII, c. 26.....	An Act to amend the law respecting town corporations.....	The whole.
1 Ed. VII, c. 27.....	An Act to amend the law respecting town corporations.....	The whole.
3 Ed. VII, c. 40.....	An Act to amend article 4529 of the Revised Statutes, respecting loans.....	The whole.
1 Geo.V (1911),c.38	An Act to amend article 5685 of the Revised Statutes, 1909, and the Municipal Code, respecting bridges.....	S. 1.

<i>Citation of the Act</i>	<i>Title</i>	<i>Extent of the repeal</i>
2 Geo. V, c. 40.....	An Act to amend article 5639 of the Revised Statutes, 1909, respecting cities and towns.....	The whole.
3 Geo. V, c. 40.....	An Act to amend the Cities and Towns' Act respecting the payment of members of the council.....	The whole.
4 Geo. V, c. 45.....	An Act to amend articles 5313 and 5564, of the Cities and Towns' Act, and to insert article 5564a in the said act.....	The whole.
4 Geo. V, c. 46.....	An Act to amend article 5559 of the Revised Statutes, 1909.....	The whole.
4 Geo. V, c. 49.....	An Act to amend articles 5777 and 5779 of the Revised Statutes, 1909, and articles 4524 and 4526 of the Revised Statutes, 1888, respecting rates of interest.....	The whole.
4 Geo. V, c. 58.....	An Act to amend article 4529a of the Revised Statutes of Quebec, 1888.....	The whole.
5 Geo. V, c. 62.....	An Act to amend the Cities and Towns' Act relating to the nomination of candidates at municipal elections.....	The whole.
5 Geo. V, c. 63.....	An Act to amend article 5645 of the Revised Statutes, 1909, respecting the Cities and Towns' Act.....	The whole.
5 Geo. V, c. 64.....	An Act to insert article 5799a in the Revised Statutes, 1909, relating to immediate possession in the case of expropriation by a municipality governed by the Cities and Towns' Act.....	The whole.
5 Geo. V, c. 76.....	An Act to amend the law relating to the notice for the sale of immoveables for municipal taxes.....	S. 6.
7 Geo. V, c. 40.....	An Act to amend the Cities and Towns' Act regarding streets and public squares.....	The whole.
7 Geo. V, c. 41.....	An Act to amend article 5675 of the Revised Statutes, 1909, and to insert in the said statutes article 5724a.....	The whole.

<i>Citation of the Act</i>	<i>Title</i>	<i>Extent of the repeal</i>
8 Geo. V, c. 20.....	An Act to create a department of Municipal Affairs, and to amend therefor the Revised Statutes, 1909, the Revised Statutes, 1888, and the Quebec Municipal Code. ....	Ss. 4, 5, 6, 7, 8, 9, 10 and 11.
8 Geo. V, c. 22.....	An Act to amend the English version of articles 759a, 4545 and 5780 of the Revised Statutes, 1909.....	S. 3.
8 Geo. V, c. 28.....	An Act concerning the deposit, in certain cases, of moneys intended for the sinking-funds of municipal and school corporations, and to amend the Revised Statutes, 1909, the Revised Statutes, 1888, and the Quebec Municipal Code, in respect thereto.....	Ss. 2 and 4.
8 Geo. V, c. 60.....	An Act to amend the Revised Statutes, 1909, the Revised Statutes, 1888, and the Quebec Municipal Code respecting municipal affairs.....	Ss. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 25, 26, 27, 28, 29, 30, 31, 32 and 33.
9 Geo. V, c. 59.....	An Act to amend the Revised Statutes, 1909, the Revised Statutes, 1888, and the Quebec Municipal Code respecting Municipal Affairs.....	Ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19 and 20.
10 Geo. V, c. 67.....	An Act to amend the Revised Statutes, 1909, and the Quebec Municipal Code, respecting municipal affairs.....	S. 1.
10 Geo. V, c. 68.....	An Act to amend article 5726 of the Revised Statutes, 1909, respecting the interest payable on arrears of municipal taxes in cities and towns.....	The whole.
10 Geo. V, c. 69.....	An Act to amend article 5814 of the Revised Statutes, 1909, relating to the appointment of recorders.....	The whole.
10 Geo. V, c. 79.....	An Act respecting the organization and competence of courts of civil jurisdiction, and the procedure in certain cases.....	Ss. 55 and 56.

<i>Citation of the Act</i>	<i>Title</i>	<i>Extent of the repeal</i>
11 Geo. V, c. 48.....	An Act to amend the Revised Statutes, 1909, the Revised Statutes, 1888, and the Quebec Municipal Code, respecting municipal affairs.....	Ss. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 18 and 19.
12 Geo. V, c. 80.....	An Act respecting municipal affairs, and to amend accordingly the Revised Statutes, 1909, the Revised Statutes, 1888, and the Quebec Municipal Code.	Ss. 1, 14 and 15.

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## FORMS

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### A.—(Sections 62, 70, 113)

#### *Oath of Office*

I, \_\_\_\_\_ (*indicate the office*), of the city of \_\_\_\_\_ (*or town of \_\_\_\_\_, as the case may be*), solemnly swear (*or affirm*) that I will honestly and faithfully discharge the duties of the said office, to the best of my judgment and ability. So help me God.

Sworn (*or affirmed*) before me }  
 at....., this..... }                    A. B.  
 day of..... 19..... }

C. D.,  
 Justice of the Peace.

---

PROVINCE OF QUEBEC, }  
 City of (or town of )  
 as the case may be.

B.—(Section 138)

List of Municipal Electors.

No.	Surname.	Names.	Occupation.	Residence.	Nature of Qualification.	Description of immoveables.	REMARKS.
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							

Made in duplicate this \_\_\_\_\_ day of the month of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_, I, P.P., swear (or affirm, as the case may be) that, to the best of my knowledge and belief, the foregoing list of electors is correct, and that nothing has been entered therein or omitted therefrom, unduly or by fraud. So help me God.

Sworn (or affirmed) before me, at \_\_\_\_\_, this \_\_\_\_\_ day } Clerk of the city of \_\_\_\_\_ P. P.,  
 19 \_\_\_\_\_ } (or town of \_\_\_\_\_, as the case may be).  
 F. F.,  
 Justice of the Peace.

## C.—(Section 139)

*Notice of the Preparation and Deposit of the Electoral List*

Notice is hereby given that I, the undersigned, clerk of the city (or town, as the case may be), of \_\_\_\_\_, have prepared, according to law, the list of municipal electors of the city (or town, as the case may be) of \_\_\_\_\_ and that such list is now deposited in my office at the disposal and for the information of all persons interested.

Given under my hand, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ .  
 P. P.,  
 Clerk.

## D.—(Section 158)

*Certificate of the coming into force of the List*

I, the undersigned, P. P., clerk, certify on my oath of office:

1. That I have given the notice required by section 139 of the Cities and Towns' Act, 1922, (13 George V, chapter 65);

2. That, from the date of such notice, the above list remained in my office at the disposal of all persons interested;

3. That the list has been examined and corrected, (if it has been corrected) by the council of this municipality, within the thirty days next after the (date of the publication of the notice required by section 139 of the Cities and Towns' Act), that is to say: at the sessions of the council, held on the (days when sessions were held), and that the corrections (if any were made) were initialed by B.B., mayor, (or C. C., councillor, presiding over the council in the absence of the mayor, as the case may be);

(or if the list has not been examined),—

That this list has not been examined by the council of this municipality within the thirty days after the said day (date of the publication of the notice required by section 139);

4. That the above list of electors thus came into force on the \_\_\_\_\_ day of the month of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_ being the thirtieth day after the (date of the publication of the notice required by section 139, or, as the case may be.)

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of  
the month of \_\_\_\_\_ 19 \_\_\_\_\_.

P. P.,  
Clerk.

E.—(Sections 61,175)

*Commission of Election Clerk.*

To E. F., (*occupation and residence.*)

Know you that, in my capacity of returning-officer for  
the city of \_\_\_\_\_, (or the town of \_\_\_\_\_, or  
ward of the city of \_\_\_\_\_, or town of  
\_\_\_\_\_ as the case may be), I have appointed and do  
hereby appoint you to be my election clerk, to act in that  
capacity according to law, at the approaching election for  
this city (or town or ward as the case may be,) which election  
will be opened by me on the \_\_\_\_\_ day of  
the month of \_\_\_\_\_ 19 \_\_\_\_\_.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_  
day of the month of \_\_\_\_\_, in the year 19 \_\_\_\_\_.

A. B.,  
Returning-Officer.

F.—(Section 176)

*Oath of Election Clerk.*

I, the undersigned, E. F., appointed election clerk for  
the city of \_\_\_\_\_ (or town of \_\_\_\_\_ or  
ward of the city of \_\_\_\_\_ or town of \_\_\_\_\_ as the  
case may be), solemnly swear, (or, solemnly affirm, as the  
case may be), that I will act faithfully in my said capacity  
as election clerk, and also that of returning-officer if re-  
quired to act as such, according to law without partiality,  
fear, favor, or affection. So help me God.

E. F.,  
Election Clerk.

*Certificate of the Election Clerk having taken the Oath of Office*

I, the undersigned, hereby certify that on the  
day of the month of \_\_\_\_\_, 19 \_\_\_\_\_, E. F., election  
clerk for the city of \_\_\_\_\_ (or town of \_\_\_\_\_  
or \_\_\_\_\_ ward of the city of \_\_\_\_\_ or town of \_\_\_\_\_

*as the case may be*), took and subscribed before me the oath (*or affirmation, as the case may be*), of office required in such case of an election clerk, by section 176 of the Cities and Towns' Act.

In testimony whereof, I have delivered to him this certificate, under my hand.

C. D.,  
Justice of the Peace.

*or* A. B.,  
Returning-Officer.

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G.—(Section 61,179)

*Notice of the Returning-Officer*

*Declaring the time and place for the nomination of candidates, the day for opening the poll, and the appointment of the election clerk.*

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NOTICE.

City of \_\_\_\_\_ (or town of \_\_\_\_\_ *as the case may be*)

I give notice to the electors of the city of \_\_\_\_\_ (or town of \_\_\_\_\_ or ward of the city of \_\_\_\_\_ or town of \_\_\_\_\_ *as the case may be*) that the nomination of candidates for the office of mayor and alderman for the said city of \_\_\_\_\_ (or town of \_\_\_\_\_, *or as the case may be*) shall be held at (*describe the place where the nomination is to take place*) in the city of \_\_\_\_\_ (or town of \_\_\_\_\_ *as the case may be*), on the \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year 19\_\_\_\_, from noon until two of the clock in the afternoon, and that, in case a poll becomes necessary and be held in the manner by law prescribed, such poll will be opened on the \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year 19\_\_\_\_, from the hour of seven in the morning till five in the afternoon, in each of the polling districts;

And that I have appointed (*name, occupation and residence*) as my election clerk.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of the month of \_\_\_\_\_, in the year 19\_\_\_\_

A. B.,  
Returning-Officer.

H.—(Sections 182,184)

*Nomination Paper for the Election of Mayor.*

We, the undersigned, qualified to vote at the municipal election in the city of \_\_\_\_\_ (or town of \_\_\_\_\_ as the case may be) hereby nominate \_\_\_\_\_ of No \_\_\_\_\_ street, as candidate at the election to be held in the city of \_\_\_\_\_ (or town of \_\_\_\_\_ as the case may be) of mayor of the said city (or town as the case may be.)

In witness whereof, we have signed at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Names.	Occupations.	Qualifications. (Giving the electoral franchise.)	Residences.

Signed by the said electors in }  
presence of..... }  
(Signature)..... }

I, the said \_\_\_\_\_ nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at, \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Signed by the said..... } (Signature).  
in presence of..... }  
(Signature).

I.—(Section 182,184)

*Nomination Paper for Alderman.*

City of \_\_\_\_\_ (or town of \_\_\_\_\_ as the case may be)  
Ward \_\_\_\_\_  
Seat No \_\_\_\_\_

We, the undersigned, electors of \_\_\_\_\_ ward, in the city of \_\_\_\_\_, (or town of \_\_\_\_\_ as the case may be)

do hereby nominate \_\_\_\_\_ of No \_\_\_\_\_ street, as a candidate at the election for the office of alderman, seat No \_\_\_\_\_, for the said ward of the city of \_\_\_\_\_ (or town of \_\_\_\_\_ as the case may be).

In witness whereof, we have signed at \_\_\_\_\_, this day of \_\_\_\_\_ 19 \_\_\_\_\_.

Names.	Occupations.	Qualifications. (Giving the electoral franchise.)	Residences.

Signed by the said electors in }  
presence of }  
(Signature)

I, the said \_\_\_\_\_ nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at, \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.  
(Signature)

Signed by the said \_\_\_\_\_ }  
in presence of }  
(Signature)

J.—(Section 187)

*Oath of Attestation of the Nomination Paper and of the Consent of the Candidate for the Office of Mayor.*

I \_\_\_\_\_ of the city of \_\_\_\_\_ (or town of \_\_\_\_\_ as the case may be) solemnly swear (or affirm) that I know

and that they are duly qualified to vote at the election of mayor of the city of \_\_\_\_\_ (or town of \_\_\_\_\_ as the case may be) about to be held and that they respectively signed the foregoing nomination paper with their signatures in my presence, and further that I know the

said \_\_\_\_\_ thereby nominated, and  
that he signed his consent to the nomination in my presence.

Sworn (or affirmed,) before me }  
at this } (Signature)  
day of 19 . }

(Signature)

---

K.—(Section 187)

*Oath of Attestation of the Nomination Paper and Consent of  
the Candidate for the Office of Alderman.*

I, \_\_\_\_\_ of the city of \_\_\_\_\_ (or  
town of \_\_\_\_\_ as the case may be), solemnly swear  
(or affirm,) that I know

and that they are entered on the list of electors in force for  
ward of the city of \_\_\_\_\_ (or town  
of \_\_\_\_\_ as the case may be); and that they have  
respectively signed the above nomination paper with their  
signatures in my presence; and further that I know the said  
\_\_\_\_\_, the candidate mentioned therein, and  
that he signed his consent to such nomination in my pre-  
sence.

Sworn (or affirmed) }  
before me at this } (Signature)  
day of 19 . }

(Signature)

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L.—(Section 196)

*Notice of Poll*

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NOTICE

City of \_\_\_\_\_ (or town of \_\_\_\_\_ as the case may be).

Public notice is hereby given that a poll is necessary for  
the election now pending for the city of \_\_\_\_\_  
(or the town of \_\_\_\_\_ or \_\_\_\_\_ wards of  
the city of \_\_\_\_\_ or town of \_\_\_\_\_ as the case may be),  
and that such poll will be in consequence opened on the \_\_\_\_\_  
; and, further, that the persons duly nominated  
as candidates at such election, and for whom alone votes  
shall be received, are:

*Election of Mayor*

1. JEAN BUREAU, of the city of Montreal, 10 La Fontaine Street, merchant.
2. JOSEPH MEUNIER, of the city of Montreal, 1063 Notre-Dame Street East, physician.
3. ANTOINE RICHARD, of the city of Montreal, 20 St. Denis Street, merchant.
4. JOSEPH RICHARD, of the city of Montreal, 506 Sherbrooke Street West, advocate.

*Election of Aldermen*

Ward No.

PAUL ADAMS, of the city of Montreal, 30 DeMontigny Street, merchant.

LOUIS BELIVEAU, of the city of Montreal, 15 Peel Street, advocate.

(And so continuing for the other wards in which a poll is to be held.)

The counting of the votes and the proclamation of the candidate (or candidates) elected shall be made at o'clock A.M., at my office, at

Of all of which all persons interested are hereby required to take notice and govern themselves accordingly.

Given under my hand, at \_\_\_\_\_, this  
day of \_\_\_\_\_, 19 .

A. B.,  
Returning-Officer.

M.—(Section 196)

*Commission of a Deputy Returning-Officer.*

To G. H. (*Occupation and residence*).

Know you that, in my capacity of returning-officer, I have appointed and do hereby appoint you to be deputy returning-officer for the polling district Number \_\_\_\_\_ in the ward of \_\_\_\_\_ in the city of \_\_\_\_\_ (or town of \_\_\_\_\_, as the case may be), there to take the votes of the electors by ballot, according to law, at the poll to be by you opened and held for that purpose, and you are hereby authorized and required to open and hold the poll for such election, for the said polling district, on the \_\_\_\_\_ day of the month of \_\_\_\_\_ instant (or next) at seven of the clock in the forenoon, at (*detailed description*

*of the place where the poll must be held*), and there hold such poll during the hours required by law, and there take by ballot, in the manner by law provided, the votes of the electors voting at the said poll, and, after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot-box, sealed with your seal, and enclosing the ballots, list of electors, and other documents required by law, together with this commission.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_  
day of the month of \_\_\_\_\_, in the year 19 \_\_\_\_\_.

A. B.,  
Returning-Officer.

N.—(Section 196)

*Oath of Deputy Returning-Officer*

I, the undersigned, G. H., appointed deputy returning-officer for the polling district Number \_\_\_\_\_ of \_\_\_\_\_ ward of the city of \_\_\_\_\_ (or of the town of \_\_\_\_\_ *as the case may be*) solemnly swear, (or, solemnly affirm, *as the case may be*) that I will act faithfully in my said capacity, without partiality, fear, favor or affection. So help me God.

G. H.,  
Deputy Returning-Officer.

*Certificate of a Deputy Returning-Officer having taken the Oath of Office.*

I, the undersigned, C. D., hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_ 19 \_\_\_\_\_, G. H. deputy returning-officer for the polling district Number \_\_\_\_\_ of \_\_\_\_\_ ward of the city of \_\_\_\_\_ (or of the town of \_\_\_\_\_ *as the case may be*), took and subscribed before me the oath (or affirmation, *as the case may be*) of office required in such case of a deputy returning-officer by the Cities and Town's Act.

C. D.,  
Justice of the Peace.

or A. B.,  
Returning-Officer.

## O.—(Section 196)

*Directions for the Guidance of Electors in Voting.*

The elector is to vote for one candidate only.

The elector shall enter into one of the compartments, and, with a pencil there provided, shall place a cross opposite the name of the candidate for whom he votes.

The elector shall then fold the ballot so as to show a portion of the back only, and also in such manner as to permit the counterfoil to be detached without unfolding the ballot-paper; he shall then deliver the ballot-paper so folded to the deputy returning-officer, who shall place it in the ballot-box, after having detached the counterfoil. The elector shall then forthwith quit the poll.

If an elector inadvertently spoils a ballot-paper, he may return it to the proper officer, who, on being satisfied of the fact, shall give him another.

If the elector votes for more than one candidate, or places any mark on the ballot-paper, by which he can be afterwards identified, his vote shall be void and shall not be counted.

## P.—(Section 199)

*Commission of a Poll-Clerk.*

To I. J., (*occupation and residence*).

Know you that, in my capacity of deputy returning-officer for the polling district Number            of            ward of the city of            (*or town of as the case may be*), I have appointed and hereby appoint you to be poll-clerk for the said polling district.

Given under my hand, at           , this            day of the month of           , in the year 19   .

G. H.,  
Deputy Returning-Officer.

## Q.—(Section 199)

*Oath of a Poll-Clerk.*

I, the undersigned, I. J., appointed poll-clerk for the polling district Number            in            ward of the city of            (*or town of as the*

*case may be*) do solemnly swear (*or, do solemnly affirm as the case may be*) that I will act in my said capacity of poll-clerk, and also that of deputy returning-officer, if required to act as such, according to law, faithfully, without partiality, fear, favor, or affection. So help me God.

I. J.,  
Poll-Clerk.

*Certificate of the Poll-Clerk having taken the Oath.*

I, the undersigned, C. D., hereby certify, that on the \_\_\_\_\_ day of the month of \_\_\_\_\_, 19\_\_\_\_, I J., poll-clerk for \_\_\_\_\_ the polling district Number \_\_\_\_\_ of \_\_\_\_\_ ward of the city of \_\_\_\_\_ (*or town of \_\_\_\_\_ as the case may be*), took and subscribed before me the oath (*or affirmation, as the case may be*), of office required of a poll-clerk, in such case, by section 199 of the Cities and Towns' Act.

C. D.,  
Justice of the Peace.  
*or, A. B.,*  
Returning-Officer.  
*or, G. H.,*  
Deputy Returning-Officer.

R.—(*Section 202*)

*Commission of a Poll-Clerk, by Poll-Clerk acting as Deputy Returning-Officer*

To \_\_\_\_\_, of (*residence and occupation*) \_\_\_\_\_

Know you that, in my capacity of deputy returning-officer for the polling district Number \_\_\_\_\_ of \_\_\_\_\_ ward of the city of \_\_\_\_\_ (*or town of \_\_\_\_\_ as the case may be*), in consequence of the decease, (*or incapacity to act, as the case may be*) of the deputy returning-officer for the said polling district, whose poll-clerk I was, I have appointed and do hereby appoint you to be a poll-clerk for the said poll.

Given under my hand, at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_, in the year 19\_\_\_\_.

I. J.,  
Poll-Clerk, acting as Deputy Returning-Officer.

*The oath and certificate of its having been taken shall be the same as in the case of a Poll-Clerk appointed by the Deputy Returning-Officer.*

S.—(Section 206)

Ballot-Paper

Election for mayor of the city of.....(or of the town of, as the case may be,) or for alderman No 1 (or, as the case may be,) of.....(or town of, as the case may be) ward of the city of.....	<b>1</b>	BUREAU (Jean Bureau, of the city of Montreal, 10 La Fontaine Street, merchant.)	
	<b>2</b>	MEUNIER (Joseph Meunier, of the city of Montreal, 1063 Notre-Dame Street, East, physician.)	
	<b>3</b>	RICHARD (Antoine Richard, of the city of Montreal, 20 St. Denis Street, merchant.)	+
	<b>4</b>	RICHARD (Joseph Richard, of the city of Montreal, 506 Sherbrooke Street, West, advocate.)	

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COUNTERFOIL

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No.

*The Initials of the Deputy Returning-Officer should be placed here.*

---

*The name of the Printer to be printed here.*



## U.—(Section 218)

*Oath by Deputy Returning-Officer or Agent wishing to Vote.*

I, G. H., of \_\_\_\_\_ deputy returning-officer (or poll-clerk, or agent for J. K., one of the candidates) at the election now being held for the city of \_\_\_\_\_ (or of the town of \_\_\_\_\_ or ward of the city of \_\_\_\_\_ or town of \_\_\_\_\_ as the case may be), swear (or solemnly affirm):

That I am actually entitled to vote for the mayor of the city of \_\_\_\_\_ (or town of \_\_\_\_\_ as the case may be) or of alderman for \_\_\_\_\_ ward of the city of \_\_\_\_\_ or, as the case may be);

That I have not voted before at this election in the municipality for the election of mayor, nor in this ward for the election of an alderman;

That I have not received anything, nor has anything been promised me, directly or indirectly, either to induce me to vote or to refrain from voting at this election, or for loss of time, travelling expenses, hire of team or for any other service connected therewith;

That I have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help me God.

Sworn (or affirmed) before me, at _____, this _____ day of _____, 19 _____	}	G. H.
--	---	-------

A. B.,  
Returning-officer.

or C. D.,  
Justice of the Peace.

	Number of the voters.
	NAMES OF THE VOTERS.
	Occupations.
	Places of residence.
	Owners.
	Tenants or occupants.
	Objections.
	Sworn or affirmed.
	Voters refusing to take the oath or affirmation.
	Votes given.
	Electors voting after others had voted in their names.
	Ballot-papers prepared with the aid of the deputy returning-officer.
	GENERAL REMARKS.

## W.—(Section 230)

*Oath by Voter receiving a Ballot-Paper after another has voted in his Name.*

You swear (or solemnly affirm) that you are (*name*), of (*as on the list of electors*) whose name is entered on the list of electors now shown you. So help you God.

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## X.—(Section 231).

*Oath of Elector unable to mark his Ballot-Paper.*

You swear (or solemnly affirm) that you are unable to read and to understand the ballot-paper so as to mark it, (or that you are incapacitated by blindness or other physical cause, *as the case may be*, from voting) without assistance. So help you God.

---

## Y.—(Section 244)

*Oath of the Deputy Returning-Officer after the Closing of the Poll.*

I, the undersigned, deputy returning-officer for the polling district Number \_\_\_\_\_, in \_\_\_\_\_ ward of the city of \_\_\_\_\_ (or of the town of \_\_\_\_\_, as the case may be), do solemnly swear (or, do solemnly affirm, as the case may be), that, to the best of my knowledge and belief, the poll-book kept for such polling district under my direction, has been so kept correctly; and that the total number of votes inscribed in the poll-book is \_\_\_\_\_; and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the poll in this polling district as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, packets of ballot-papers, and other documents required by law to be returned by me to the returning-officer, have been faithfully and truly prepared and placed within the ballot-box, as this oath (or affirmation) will be, to the end that the said ballot-box, being first carefully sealed with my seal, be transmitted to the returning-officer according to law.

Sworn (or affirmed) and signed }  
before me, at \_\_\_\_\_, this \_\_\_\_\_ }  
day of \_\_\_\_\_, 19 \_\_\_\_\_ . }

G. H.,  
Deputy Return-  
ing-Officer.

X. Y.,  
Justice of the Peace.  
or, A. B.,  
Returning-Officer.  
or, I. J.,  
Poll-Clerk.

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## Z.—(Section 244)

*Oath of the Poll-Clerk after the closing of the Poll.*

I, the undersigned, poll-clerk for the polling district Number , in ward of the city of (or town of , as the case may be), do solemnly swear (or, if one of the persons permitted by law to affirm in civil cases, do solemnly affirm), that the poll-book in and for this polling district, kept under the direction of G.H., who has acted as deputy returning-officer therein, has been so kept by me correctly and to the best of my skill and judgment; and that the total number of votes inscribed in such poll-book is ; and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the poll in this polling district, as the votes were taken at this poll by the deputy returning-officer.

Sworn (or affirmed) and signed }  
before me ,at , this }  
day of the month of , }  
in the year 19 . }

I.J.,  
Poll-Clerk.

X. Y.,  
Justice of the Peace.  
or, A. B.,  
Returning-Officer.  
or, G. H.,  
Deputy Returning-Officer.

---

AA.—(Section 244)

*Statement of the Poll, after counting the Ballots.*

POLLING DISTRICT NO. ....

.....Ward of the city of.....(or town of,

.....as the case may be).

Number of Ballot-Papers received from the Return- ing-officer .....		
Number of Ballot-Papers cast for .....		
“ “ “ .....		
“ “ “ .....		
“ “ “ .....		
“ “ “ .....		
“ “ spoiled .....		
“ “ rejected .....		
“ “ not used and returned....		
Totals.....		

I hereby certify that the above statement is correct.

Given under my hand, at , this  
day of the month of , 19 .

G. H.,  
Deputy Returning-Officer.

BB.—(Section 244)

*Certificate to be delivered to Candidates, etc.*

I, the undersigned, deputy returning-officer for polling  
district No. , in the ward of the  
city of (or town of as the case may be),  
hereby certify that, at the election held this day of mayor

for the city of \_\_\_\_\_ (or town of \_\_\_\_\_ as the case may be), (or of an alderman for \_\_\_\_\_ ward of the city of \_\_\_\_\_ (or town of \_\_\_\_\_ as the case may be), the hereinafter mentioned candidates received the number of votes set opposite their respective names, viz:

NAMES OF CANDIDATES	NUMBER OF VOTES
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and also that \_\_\_\_\_ ballot-papers were rejected.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of the month of \_\_\_\_\_, 19 \_\_\_\_\_.

G. H.,  
Deputy Returning-Officer.

CC.—(Section 244)

*Oath of Messenger sent to collect the Ballot-Boxes.*

I, J. B., of \_\_\_\_\_, messenger appointed by A. B., returning-officer for the city of \_\_\_\_\_ (or town of \_\_\_\_\_, as the case may be) do solemnly swear (or affirm, as the case may be) that the several ballot-boxes, to the number of \_\_\_\_\_, now delivered by me to such returning-officer, have been handed to me by the several deputy returning-officers at the present election for this city (or town, as the case may be), (or by, here insert the names of the deputy returning-officers who have delivered said boxes); that they have not been opened by me, nor by any other person, and that they are in the same state as they were when they came into my possession.



## EE.—(Section 311)

*Affidavit in Penal Action.*

CANADA,  
 PROVINCE OF QUEBEC } COURT  
 District of

Plaintiff,

vs.

Defendant.

I, M. N., plaintiff in this cause, being duly sworn, declare that, in the present cause, I am not acting in collusion with the defendant, and that I do not prosecute for the purpose of preventing such action or prosecution being instituted by any other person, or for the purpose of delaying or causing such action to miscarry, or for the purpose of saving such defendant from the payment of the whole or any part of such penalty, or of procuring for him any advantage; but that I institute such prosecution or action in good faith conscientiously believing the same to be well founded, and for the purpose of exacting and recovering the payment of such penalty with all practicable speed.

Sworn before me, at  
 this            day of the  
 month of     , 19     . } M. N.

P. S.,  
 Justice of the Peace.

## FF.—(Section 313)

*Information for Personation*

CANADA,  
 PROVINCE OF QUEBEC }  
 District of

The information of P. Q., of            taken this  
 day of            in the year,            before the undersigned,  
 a deputy-returning officer at a polling station in  
 ward of the city of            (or town of            as the case  
 may be) for a municipal election being there held.

The said informant says that he believes that T. U. (or

that a person whose name is to the informant unknown but who is now detained in the said polling station under the order of the deputy returning-officer, *or as the case may be*) on this day at the said polling station did commit the offence of personation by (*describing the offence*).

Taken, signed and sworn before }  
me at the said polling station, the } P. Q.  
day and year above mentioned. }

G. H.  
Deputy Returning-Officer.

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GG.—(Section 313)

*Warrant for Arrest of a Person charged with Personation.*

CANADA, }  
PROVINCE OF QUEBEC }  
District of }

To all or any of the constables and other peace officers in the district of

Whereas, before the undersigned, a deputy returning-officer at a polling station in \_\_\_\_\_ ward of the city of \_\_\_\_\_ (or town of \_\_\_\_\_ *as the case may be*) for a municipal election being there held, T. U., (or *as the case may be*) of \_\_\_\_\_ has this day been charged upon oath with having committed the offence of personation on this day and at the said polling station by (*describing the offence*).

These are therefore to command you in His Majesty's name forthwith to apprehend the said T. U., (or *as the case may be*), and to bring him before \_\_\_\_\_ to answer unto the said charge and to be further dealt with according to law.

Given under my hand, under the *Cities and Towns' Act*, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ in the year 19 \_\_\_\_\_.

G. H.,  
Deputy Returning-Officer.

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FORM HH.—(SECTION 581)

STATEMENT SENT TO THE MINISTER OF MUNICIPAL AFFAIRS WITH A LOAN BY-LAW

City (or town) of.....

- 1. Total value of taxable immoveable property according to valuation roll..... \$
- 2. Total Debts of the Municipality..... \$
- 3. General taxes collected during the last fiscal year..... \$  
(Taxes under articles 510 and following)
- 4. Loans.

Nos. of by-laws	Amounts	Objects	Date of loan or issue	Maturing	Rate of interest	Amount required for interest, and sinking-funds during current year	Amount levied by special taxes for interest and sinking-funds	Amount taken from general revenue for interest and sinking-funds	Sums repaid to lenders or bond holders	Amount of accumulated sinking-funds	Balance due on loan
105	\$20,000	Loan for road bonds									
118	5,000	Bonds issued in payment of City Hall ground									

I, the undersigned, certify that the above statement is correct.

Date.....

.....

Treasurer of the city (or town) of.....